

In the Matter Of:

Grace Ocean Private Limited and Synergy Marine PTE LTD

UNDER SEAL

ROHIT SINGH BISHT

March 11, 2025



UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

Civil Action No. 24-00941-JKB

IN THE MATTER OF
THE PETITION OF:

GRACE OCEAN PRIVATE LIMITED,
as Owner of the M/V DALI and
SYNERGY MARINE PTE LTD, as
Manager of the M/V DALI,

For Exoneration from or
Limitation of Liability

_____ /

DEPOSITION OF
ROHIT SINGH BISHT
CONFIDENTIAL - ATTORNEYS' EYES ONLY

Tuesday, March 11, 2025
9:09 a.m. - 4:55 p.m.

Marriott Waterfront
700 Aliceanna Street
Baltimore, Maryland 21202

Stenographically reported by:
Erica Field, RDR, CRR, CA-CSR, TX-CSR,
GA-CSR, WA-CSR, NM-CCR, IL-CSR, NJ-CCR,
FL-FPR, OR-CSR, NY Notary, FL Notary,
AK Notary, DC Notary
Job No. 976007

1 REALTIME VIDEOTAPED STENOGRAPHIC
2 DEPOSITION of ROHIT SINGH BISHT, taken in
3 the above-entitled matter before ERICA
4 FIELD, RDR, CRR, California Certified
5 Shorthand Reporter (License No. 14515),
6 Texas Certified Shorthand Reporter (License
7 No. 12724), Oregon Certified Shorthand
8 Reporter (License No. 240103), New Jersey
9 Certified Court Reporter (License No.
10 30XI00244800), New Mexico Certified Court
11 Reporter (License No. 575), Washington
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13 22020479), Illinois Certified Shorthand
14 Reporter (License No. 084004952), Georgia
15 Certified Court Reporter (License No.
16 5338-8044-2296-7296), Florida Professional
17 Reporter (License No. 1109), New York
18 Notary, Florida Notary, Alaska Notary, DC
19 Notary taken at Marriott Waterfront, 700
20 Aliceanna Street, Baltimore, Maryland 21202
21 on Tuesday, March 11, 2025, commencing at
22 9:09 a.m.

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1 Thereupon,

2 the proceedings began at 9:09 a.m.:

3 THE VIDEOGRAPHER: We are now on
4 the record. My name is Jason Levin.
5 I'm a videographer retained by
6 Lexitas. Today's date is March 11,
7 2025, and the time is 9:09 a.m.
8 Eastern.

9 This deposition is being held at
10 the Baltimore Marriott Waterfront in
11 the matter of In Re: Grace Ocean
12 Private Limited litigation. The
13 deponent is Rohit Singh Bisht.

14 All counsel will be noted on the
15 stenographic record. Our court
16 reporter is Erica Field and will now
17 swear in the interpreter and then the
18 witness.

19 Whereupon,

20 ROHIT SINGH BISHT,
21 having been first duly sworn or affirmed, was
22 examined and testified as follows:

23 EXAMINATION

24 BY MR. WALKER:

25 Q. Good morning, sir.

1 A. Good morning.

2 Q. My name's Larry Walker. I'm an
3 attorney with the law firm of Cozen O'Connor,
4 and I represent Ace American Insurance
5 Company in this case. And I'm going to be
6 taking your sworn testimony under oath today.

7 A. Okay.

8 Q. Have you ever given sworn
9 testimony under oath before?

10 A. No.

11 Q. You gave a statement to the NTSB.
12 Do you recall that?

13 A. Yes.

14 Q. Was that sworn?

15 MR. DUFFY: Just a preliminary
16 -- just to make the same statement we
17 made yesterday that I asked that this
18 be treated confidential, the testimony
19 he gives today, depending on the
20 production of the transcript, and then
21 it'll go along according to the
22 protective order.

23 MR. WALKER: Same agreement from
24 yesterday. I agree.

25 MR. BENNETT: And then so I

1 don't interrupt you, any reference to
2 the NTSB investigation and materials
3 generated therefrom, we object to the
4 use of that as investigative
5 materials. Argue about it another
6 day, but just protecting all the
7 counsel that are involved in the NTSB
8 investigation and agree to follow
9 their rules.

10 MR. WALKER: Understood. We
11 don't necessarily agree, but I
12 appreciate that. Thank you.

13 BY MR. WALKER:

14 Q. Before we get going, let me go
15 through some instructions that will help make
16 the day move along more quickly. Okay?

17 A. Okay.

18 Q. The most important instruction I
19 can give you is to listen carefully to the
20 questions that I ask. If you don't
21 understand a question that I ask -- I rarely
22 get accused of not being loud enough. But if
23 for some reason you don't hear me or we have
24 a technology issue, will you tell me that you
25 didn't hear me or didn't understand me?

1 A. I will tell you.

2 Q. If you do that, if you tell me
3 that you didn't hear me or you didn't
4 understand me, I'll repeat or rephrase the
5 question.

6 Is that fair?

7 A. Yes, sir.

8 Q. All right. If you don't tell me
9 that you didn't hear me or you didn't
10 understand me, we are going to assume that
11 you did hear me and understand me and that
12 your answers are responsive to the questions
13 that I'm asking.

14 Is that fair?

15 A. I understand.

16 Q. At no point today do I ever want
17 to know anything that you discussed with your
18 attorney. Okay?

19 A. Okay.

20 Q. You just have to keep -- if
21 there's things that you learned from your
22 attorney that you didn't know otherwise, you
23 just have to keep that in your mind and keep
24 them separate. Okay?

25 A. Okay.

1 Q. I may remind you of that if
2 there's a question I'm going to ask along the
3 way, but if I forget, you got to try to
4 remember that. Okay?

5 A. Okay.

6 Q. All right. Another important
7 instruction is that no one wants you to
8 guess. Okay?

9 A. Okay.

10 Q. All we want to know is what you
11 know.

12 Do you understand that?

13 A. I understand.

14 Q. All right. And I've been asking
15 questions of people like you for a long time,
16 and my impression is that people try to be
17 helpful. Okay?

18 A. Okay.

19 Q. And what happens sometimes is
20 people begin to tell you things that they
21 think are the case, but they don't actually
22 know that to be the case.

23 A. Okay.

24 Q. We want to you to avoid that
25 today. I am not going to preface every

1 single question that I ask you with "if you
2 know," but I want you to understand that
3 that's really what I'm getting at today. I
4 want to know what you know. Okay?

5 A. Okay.

6 Q. And I've also found that people
7 for some reason, because they want to help
8 and want to give an answer, find it difficult
9 to say that "I don't know" as an answer. But
10 you should understand that that's a perfectly
11 appropriate question [sic]. In fact, a lot
12 of what I'm going to ask you today, I don't
13 expect you to know the answers to.

14 A. Okay.

15 Q. I'm going to ask you about what
16 was going on in the ECR while you were on the
17 bridge. I don't suspect you know what was
18 happening there. I'm going to ask you about
19 what was happening on the bow while you were
20 on the bridge. You may not know because you
21 weren't there. Okay?

22 A. Understood.

23 Q. When I ask you things like that, I
24 don't want to you tell me what you think was
25 happening. If you don't know, you tell me

1 you didn't know. Okay?

2 A. Okay.

3 Q. It will make the day move much
4 more quickly. All right?

5 A. Okay.

6 Q. It has been, again, my experience
7 that when you talk with people about events
8 that have happened in the past -- sometimes
9 I'll ask you a question and maybe you don't
10 remember; but as we continue to talk about
11 what happened, your recollection may get
12 better, and you may remember something that
13 I've talked to you about previously that you
14 felt remember the first time we talked about
15 it.

16 A. Okay.

17 Q. If that happens, will you tell me?

18 A. I will tell you.

19 Q. I will try after every break to
20 ask you if there's anything you want to
21 discuss because sometimes during breaks,
22 people think about things. All right?

23 A. Okay.

24 Q. And at the end of the deposition,
25 I'm going to try to ask you again if there's

1 anything we talked about throughout the
2 entire day that you would like to either
3 elaborate on or clarify. Okay?

4 A. Okay.

5 Q. Will you do that for me?

6 A. I will.

7 Q. All right. And the last and not
8 least instruction is that I would like you to
9 give me the most complete answers you can to
10 the questions that I ask.

11 Is that fair?

12 A. Yes, sir.

13 Q. Let me tell you what I mean by
14 that. In part of your preparation for this
15 deposition, did you read your -- the
16 statement that you gave to the NTSB?

17 A. I have.

18 Q. When did you read that last?

19 A. When I was onboard ship.

20 Q. Have you ever read it since then?

21 A. No.

22 Q. So you gave a statement to the
23 NTSB, correct?

24 A. Yes.

25 Q. And then at some point, you

1 received a copy of the statement, correct?

2 A. Yes.

3 Q. All right. And when you got a
4 copy, you read it, right?

5 A. Yes.

6 Q. All right. So to loop this back
7 around, what I'm getting at about giving
8 complete information, do you recall that when
9 you spoke with the NTSB that they asked you a
10 lot of questions about the anchor?

11 A. They asked me a lot of questions
12 about the anchor.

13 Q. And in response to those
14 questions, you never told the NTSB that the
15 hydraulic brake on the port windlass was
16 inoperable, correct?

17 A. I told them there was some issue
18 in Panama Canal.

19 Q. Did you tell them that the issue
20 was that the hydraulic brake on the -- you
21 got to wait -- that the hydraulic brake on
22 the port windlass was not operable?

23 A. I cannot recall right now because
24 it has been quite a lot of months now. But
25 if they would have questioned me, like, what

1 actually happened, I would have told them.

2 Q. But they asked you a lot of
3 questions about the anchor, right?

4 A. They asked me questions. A lot of
5 them -- it was all about was my duties, what
6 I was doing during that time.

7 Q. And so, again, just to get back to
8 what we're talking about, instructions here,
9 listen to the questions that I'm asking. And
10 if you just answer the questions I'm asking,
11 this will move along more quickly. Okay?

12 A. Okay.

13 Q. Did you tell the NTSB in the 98
14 pages of transcript that you gave them that
15 the hydraulic brake on the port windlass was
16 not operable?

17 A. I cannot recall right now, but
18 maybe.

19 Q. All right. Can we agree that when
20 the Dali left its berth on March 26th, it the
21 port windlass was not -- hydraulic brake on
22 the port windlass was not operable?

23 A. Yes.

24 Q. All right. And did you become
25 aware that the hydraulic brake was not

1 operable when the vessel was in Panama?

2 A. When the vessel left Panama to
3 join the convoy, yes, I was aware of this
4 thing.

5 Q. Were any repairs made or attempted
6 on the port windlass between Panama and
7 Baltimore?

8 A. I'm not sure about this.

9 Q. We spoke to the bosun yesterday,
10 and he told us that the hydraulic brake on
11 the port windlass was not operable and that
12 it could not be used to lower the anchor.

13 Is that your understanding?

14 A. There are two ways by which we can
15 lower the anchor. One is by pressing the
16 hydraulic switch, and by operating the manual
17 lever. So there was an alternative to lower
18 the anchor.

19 Q. I understand that. My question
20 was about the hydraulic brake. Okay? Again,
21 focus on the question I'm asking. Okay?

22 A. Uh-huh.

23 Q. In Baltimore, the hydraulic brake
24 was not capable of lowering the anchor,
25 correct?

1 A. Yes.

2 Q. All right. And you knew about
3 that from the time that the vessel left
4 Panama, correct?

5 A. Yes.

6 Q. Are you aware of any steps that
7 anyone else on the vessel took to make
8 repairs to the hydraulic brake between Panama
9 and Baltimore?

10 A. I'm not aware of any such thing.

11 Q. Do you know whether anybody from
12 the vessel communicated the issue relating to
13 the hydraulic brake to dockside management?

14 A. You mean by -- to company ashore?

15 Q. Yes.

16 A. Yes.

17 Q. What efforts were made, and who
18 made those efforts?

19 A. So when we were trying to lift --
20 heave up our anchor for joining the convoy,
21 we were finding it difficult, you know, to
22 heave up the anchor. So immediately company
23 was informed. The master on bridge, he
24 called up one of the company representatives,
25 after which he himself went forward to see

1 what the issue was.

2 And since the Panama Canal pilot
3 was onboard and he was kind of -- he wanted
4 to know what's going on because we have to
5 join the convoy on a specific time.

6 So same representative from the
7 company, he called me up -- he called the
8 bridge where the phone is, and he asked me,
9 "What is happening? What are they doing?"

10 And this is the communication I
11 can recall I had with the company and how the
12 company knew about this.

13 Q. When you say "he called the
14 bridge," who called the bridge?

15 A. Captain Melroy, one of the
16 company's -- our marine superintendent
17 in charge, he called up the bridge.

18 Q. And you took that phone call?

19 A. I took that phone call because
20 captain was already on the forward station.
21 He was looking what's going on with the
22 anchor.

23 Q. So I want to make sure I
24 understand what you're explaining. All
25 right?

1 In Panama, when the hydraulic
2 brake was unable to be opened, the anchor had
3 been deployed, correct?

4 A. Yes.

5 Q. And the attempt was to use the
6 hydraulic brake so that the anchor could be
7 retrieved, correct?

8 A. Yes.

9 Q. And at that time, the captain on
10 the Dali became aware that the hydraulic
11 brake was not working, correct?

12 A. Yes.

13 Q. How did dockside management become
14 aware of that? Who called management?

15 A. Captain initially called up the
16 management, and he informed that we were
17 having some problem in heaving up the anchor,
18 and, yeah.

19 Q. And do you know who the captain
20 spoke to when he called?

21 A. Captain Melroy.

22 Q. And was that while the captain of
23 the Dali was on the bridge or did he have
24 that call while he was out on the bow?

25 A. No, no. He was on bridge. He

1 called from a landline phone. A wired
2 telephone.

3 Q. Okay.

4 A. A satellite phone.

5 Q. Okay. And were you present during
6 that call?

7 A. I was.

8 Q. Okay. And what was discussed?

9 A. He just -- as far as I can recall,
10 he told that we were having some problem in
11 heaving up the anchor, and this was what I
12 recall, the initial few messages he
13 transferred to the office.

14 Q. Do you recall anything else about
15 that conversation?

16 A. No.

17 Q. And then the bosun told us that,
18 when this occurred in Panama, the captain of
19 the Dali and the chief engineer and the first
20 officer went to the bow.

21 Do you recall that?

22 A. Chief engineer was, I believe, on
23 the bow. Chief offer was there. Bosun was
24 there. Captain was there.

25 Q. How about you? Were you there?

1 A. I was on bridge. I was busy with
2 the pilot because he was kind of getting
3 angry, I would say, like, "Why is the delay?
4 What is happening?"

5 Q. And who was getting angry?

6 A. The pilot.

7 Q. The pilot in Panama?

8 A. The pilot in Panama.

9 Q. Understood. Do you know what was
10 discussed on the bow relating to the
11 hydraulic brake?

12 A. No.

13 Q. After that conversation took
14 place, no one informed you about what was
15 said?

16 A. In the bow?

17 Q. Correct.

18 A. No.

19 Q. Did you overhear or engage in any
20 conversations that occurred after the meeting
21 on the bow and -- between that moment and the
22 time of the allision relating to management?
23 In other words, phone calls with management
24 about this issue.

25 A. About the anchor's issue?

1 Q. Yeah.

2 A. I cannot recall.

3 Q. And I think you mentioned -- you
4 mentioned a phone call with Captain Melroy,
5 correct?

6 A. Yes.

7 Q. Was there one or two phone calls?

8 A. At least one call -- phone call
9 was made. I am not sure about if he called
10 one more time.

11 Q. If he called again, it was with
12 somebody else, correct?

13 A. But I don't know if he called.

14 Q. In other words, if -- you've told
15 me about one phone call with Captain Melroy.
16 Do you know if there was another?

17 A. I don't know.

18 Q. Okay. Were you involved in any
19 further discussions on the vessel relating to
20 what would take place with respect to repairs
21 on the windlass?

22 A. No.

23 Q. Do you know the bosun?

24 A. I know bosun.

25 Q. Is he a good bosun?

1 A. He's an -- experienced, and, yeah,
2 he's a good bosun.

3 Q. Where --

4 MR. WALKER: Mr. Duffy, are you
5 going to object to me asking him where
6 he's staying now?

7 MR. DUFFY: I would. You could
8 have his home address, and I'll -- I'm
9 accepting service. Anytime you need
10 him, contact me.

11 MR. WALKER: I appreciate that.

12 BY MR. WALKER:

13 Q. Wherever you're staying right now,
14 are you staying in the same place where the
15 bosun is?

16 A. Yes.

17 Q. And do you occasionally socialize
18 with him and talk with him about casual
19 affairs?

20 A. Not a lot, but sometimes, yeah, I
21 see him.

22 Q. Have you found him to be a kind,
23 trustworthy person?

24 A. Yes.

25 Q. Do you believe him to be truthful?

1 A. Yes.

2 Q. The bosun told us that it was the
3 practice of the Dali to always have two
4 people on the bow during arrival and
5 departure.

6 Is that your understanding?

7 A. Depends on at what stage or
8 departure or arrival we are at. As soon as
9 we are departing any port or arriving any
10 port, we are about to have any forward
11 station or aft station, yes, there would be a
12 lot of people. Not only two. Even a duty
13 officer would be over there.

14 But at some point of time, the
15 captain would tell him after the consulting
16 the pilot that the pilot himself would say,
17 okay, I just need one man forward. So at
18 some point of time, yes.

19 Q. Can we agree that at the time that
20 the vessel was leaving its berth in Baltimore
21 that everyone on the vessel, Dali, putting
22 aside the pilot and the trainee, but the crew
23 knew that the port windlass hydraulic brake
24 was not operable?

25 MR. BENNETT: Just note my

1 objection.

2 A. I'm not sure if everybody was
3 aware of it.

4 BY MR. WALKER:

5 Q. But you were aware, correct?

6 A. I was aware.

7 Q. And the captain was aware,
8 correct?

9 A. Captain was aware.

10 Q. And the first officer?

11 A. Yeah.

12 Q. And the chief engineer, correct?

13 A. Yeah.

14 Q. The bosun told us yesterday that
15 it takes two people to open the manual brake.

16 Are you aware of that?

17 A. I'm not.

18 MR. DUFFY: Are you asking him
19 if he's aware of what the bosun said
20 yesterday?

21 BY MR. WALKER:

22 Q. Are you aware that it takes two
23 people to open the manual brake?

24 A. No.

25 Q. You're not a bosun, right?

1 A. Yes.

2 Q. If the bosun says that it takes
3 two people to open the manual brake, would
4 you have any reason to disagree with his
5 testimony on that issue?

6 A. No.

7 Q. Is it your understanding that the
8 anchors need to be ready to let go in the
9 event of an emergency during departure?

10 A. Yes.

11 Q. They need to be ready to let go
12 while maneuvering, correct?

13 A. While maneuvering, yeah.

14 Q. And the first blackout that
15 happened on March 26th happened when the
16 vessel was maneuvering, right?

17 A. Yes.

18 Q. And the anchors needed to be let
19 -- ready to let go at that moment in time,
20 correct?

21 A. Yes.

22 Q. But the captain and yourself and
23 the chief engineer and the chief officer all
24 knew that the bosun was on the bow by
25 himself, correct?

1 MR. DUFFY: I'm going to object
2 to the extent you're asking him to
3 speculate on what the chief engineer
4 knew.

5 MR. WALKER: Let me rephrase the
6 question.

7 BY MR. WALKER:

8 Q. You knew that the bosun was on the
9 bow alone, correct?

10 A. No, I didn't knew.

11 Q. You didn't make that decision, did
12 you?

13 A. No.

14 Q. Do you know who made that
15 decision?

16 A. Captain in consultation with pilot
17 after pilot confirms.

18 Q. Do you know that it was the
19 captain that made the decision to send the
20 bosun onto the bow during maneuvering alone?

21 A. Bosun was already on the bow, so
22 he had -- he had not came back from the bow.
23 And captain, in consultation with pilot, will
24 then -- you know, or the bosun -- to stand
25 by, how many men's required.

1 Q. Now, just a minute ago you heard
2 your attorney object. And the reason he
3 objected was because my question implied --
4 was asking you what somebody else knew, and
5 it was a proper objection because sometimes
6 you don't know what other people are
7 thinking, right?

8 A. Yeah.

9 Q. Do you know if the pilot knew what
10 the practices or policies of the Dali were in
11 terms of how many people would ordinarily be
12 on the bow at the time of maneuvering?

13 A. I'm not aware if pilot knows or
14 not.

15 Q. So when the pilot said to send
16 someone forward, you don't know if he knew
17 that the --

18 MR. DUFFY: I'm going to
19 object because that misstates what he
20 said the pilot said.

21 BY MR. WALKER:

22 Q. What did the pilot say?

23 A. The pilot said -- after we
24 departed from Port of Baltimore and we were
25 in the Fort McHenry Channel, at some point

1 before the bridge, the pilot said, "Captain,
2 we just need one man forward. Stand by
3 forward for emergency."

4 Q. "Just need one man forward,"
5 correct?

6 A. Yes.

7 Q. And at that time, the pilot's in
8 charge, right?

9 A. Pilot is in charge of vessel. He
10 has the conn.

11 Q. The bosun told us yesterday the
12 normal practice of the Dali is to have two
13 people forward.

14 MR. BENNETT: Just note my
15 objection.

16 MR. WALKER: Okay.

17 MR. BENNETT: That's not what he
18 said.

19 BY MR. WALKER:

20 Q. Did the pilot -- let me rephrase
21 the question.

22 Did the pilot know that the
23 hydraulic brake was not operable?

24 A. I'm not aware of this.

25 Q. Did you ever tell the pilot the

1 hydraulic brake was not operable?

2 A. I had never had conversation with
3 pilot regarding hydraulic brakes.

4 Q. Did you overhear anyone else ever
5 tell the pilot that the hydraulic brake was
6 not operable?

7 A. I never overheard anyone saying to
8 pilot.

9 Q. Did you ever hear anyone tell the
10 pilot that it took two men to operate the
11 manual brake?

12 A. Please repeat the question again.

13 Q. Did you ever overhear anyone tell
14 the pilot that it takes two men to operate
15 the manual brake?

16 A. No, I never overheard any
17 conversation of such kind.

18 Q. Did anybody -- let me rephrase the
19 question.

20 When the pilot said, "Just need
21 one man forward," did anyone at that time say
22 or correct him that two men were needed
23 forward because if, in an emergency, the
24 anchor needed to be dropped, only the manual
25 brake was available and the manual brake

1 requires two people?

2 MR. DUFFY: I'm going to object

3 as a compound question.

4 A. I never overheard anyone telling
5 the pilot or the master that we required two
6 men, nor just one.

7 BY MR. WALKER:

8 Q. Do you agree that under the
9 circumstances, because the hydraulic brake
10 was not working and the manual brake requires
11 two people, according to the bosun, that it
12 would have been a good idea to have two
13 people on the bow?

14 MR. BENNETT: Just note my
15 objection.

16 A. Anchors can be lowered manually
17 even with one person, as to my understanding.

18 BY MR. WALKER:

19 Q. But in this case, you know that
20 the bosun had trouble lowering the anchor,
21 didn't you?

22 MR. BENNETT: Just note my
23 objection.

24 A. At what point of time are you
25 talking about?

1 BY MR. WALKER:

2 Q. On March 26th when the first
3 blackout occurred and when the captain or the
4 pilot ordered that the anchors be let go, you
5 understood from the communications that were
6 happening between the captain and the bosun
7 that the bosun was having trouble letting go
8 of the anchor, correct?

9 MR. BENNETT: Just note my
10 objection.

11 A. He said something like, "I
12 cannot," but -- this is what I can tell you
13 about this.

14 BY MR. WALKER:

15 Q. Right. We're going to talk in
16 detail about what happened on the bridge.

17 MR. BENNETT: Let him finish his
18 answer.

19 BY MR. WALKER:

20 Q. Oh, I thought you were done. I'm
21 sorry.

22 Do you have anything more to say?

23 A. Yeah. He said, "I cannot," and
24 something -- I cannot -- I cannot recall what
25 he actually said, but he never -- I cannot

1 remember of everything he telling captain or
2 the pilot that "I require two men" or "I
3 cannot lower the anchor," you know.

4 Q. During the blackout, you don't
5 recall the bosun saying anything over the
6 walkie-talkie that would have led people in
7 the bridge to realize there was a problem?
8 Is that your testimony?

9 A. When first blackout happened,
10 captain instructed bosun to stand by. The
11 first instruction from the captain was
12 to -- he communicated to bosun via handheld
13 walkie-talkie to stand by. And during that
14 time, he never mentioned that "I required two
15 men, three men to lower down the anchor" or
16 "I was having issues in loading down the
17 anchor."

18 Q. And he shouldn't have to say that
19 because the captain knew that it would take
20 two men to lower the mechanical --

21 MR. DUFFY: I'm going to object.
22 You're asking him the speculate what
23 the captain knew.

24 A. I don't know what captain knew,
25 what he understood.

1 BY MR. WALKER:

2 Q. Don't you agree that the captain
3 of the ship should know, if the hydraulic
4 brake is broken, whether one crew member is
5 capable of letting down the anchor with the
6 manual brake?

7 A. But the bosun never said, you
8 know, during -- after the -- we actually --
9 he upped the anchor in Panama Canal. After
10 that, he never mentioned, as per my
11 understanding, that "I would specifically
12 require two-person. I cannot do it alone."

13 Q. He never mentioned that to you,
14 correct?

15 A. Yeah.

16 Q. My question to you is different,
17 though. Don't you agree that the captain of
18 a container ship that's 299 meters long
19 should know -- when he has a hydraulic brake
20 that does not work, the captain should know
21 whether one person is capable of letting the
22 anchor down with the manual brake?

23 A. One person is capable of letting
24 down the anchor with manual brake.

25 Q. One person should be capable of

1 it, correct?

2 A. One person is capable of loading
3 down the anchor.

4 Q. And what you just told me a moment
5 ago is that our bosun that we spoke to
6 yesterday, and your crew member, is an
7 experienced bosun, correct?

8 A. Yes.

9 Q. He told us yesterday it takes two
10 people.

11 Do you agree?

12 A. He might require -- I cannot, you
13 know, comment on what he told you, how many
14 people he required to do a specific job.

15 Q. Do you agree that the captain and
16 the chief officer should've discussed with
17 the bosun whether he needed more people on
18 the bow to lower the anchor with the manual
19 brake?

20 A. They should have.

21 Q. That discussion should've occurred
22 prior to the allision, correct?

23 A. Yes.

24 Q. And do you agree that since
25 Captain Melroy -- dockside knew that the

1 hydraulic brake was not working that it would
2 have been a good idea for management to
3 provide some direction and instruction to the
4 crew about how they should man the port
5 windlass?

6 MR. BENNETT: Just note my
7 objection.

8 A. I don't know if they have any
9 communication, any meeting regarding this
10 with the captain or chief officer, so I would
11 not like to comment on this thing.

12 BY MR. WALKER:

13 Q. I can appreciate that you may not
14 like to comment on it, but that's -- your
15 answer is not nonresponsive to the question
16 that I asked.

17 Do you agree that it would be a
18 good idea for management -- once they became
19 aware that the hydraulic brake did not work,
20 that it would be a good idea for management
21 to provide some instruction to the crew about
22 how they should operate and man the port side
23 windlass?

24 MR. BENNETT: Just note my
25 objection.

1 A. What I'm trying to tell you is,
2 even if they had any communication with bosun
3 or master or first officer -- I'm not aware
4 of this even if they had.

5 BY MR. WALKER:

6 Q. Yeah, I didn't ask you if they had
7 those conversations. My question to you is
8 do you agree that it would be a good idea for
9 management, who knew that the hydraulic brake
10 was not operable, to provide some direction
11 and instruction to the crew about how they
12 should man the manual brake?

13 MR. BENNETT: Just note my
14 objection.

15 A. It would have been a good idea.

16 BY MR. WALKER:

17 Q. Are you aware of other
18 circumstances where the dockside management
19 has become aware of conditions on the vessel
20 and provided some direction, instruction, or
21 training to the crew about how to safely
22 operate the vessel with those conditions,
23 whatever they may be?

24 A. No.

25 Q. Do you recall -- were you on --

1 A. What I can recall is, in one of
2 the cases, we were safely docked in one of
3 the ports, not in the U.S. -- I cannot recall
4 the port -- but we had a shoreside gantry
5 whose boom was right in front of our ship,
6 and the master had -- master thought it was
7 not a good idea to, you know, just go ahead
8 and depart.

9 So he called up someone in the
10 company on the shoreside, and the company
11 then told, "Just wait. Don't depart. Let
12 the pilot communicate with the shoreside
13 people, and let them lift up the boom off the
14 gangway."

15 Q. When did you board the Dali?

16 A. I joined Dali on 26 July 2023.

17 Q. You were onboard the Dali when
18 Diesel Generator Number 2 was out of service.

19 Do you recall that?

20 In November of 2023, Diesel
21 Generator Number 3 malfunctioned and was not
22 operable.

23 Do you recall that?

24 A. No.

25 Q. Do you recall ever seeing any

1 communications from Class or management about
2 how the vessel should operate its diesel
3 generators and operate the vessel while there
4 was a generator that was malfunctioning?

5 A. No.

6 Q. Do you have any recollection of
7 being instructed that in the event that a
8 diesel generator was malfunctioning that the
9 captain should make an assessment about
10 whether additional tugs were necessary?

11 A. I'm not aware of it.

12 Q. So to the best of your
13 recollection, you were never made aware of
14 how to handle the circumstance where one of
15 the auxiliary generators was not operable; is
16 that correct?

17 Was that "yes"?

18 A. It was a "yes."

19 Q. Thank you.

20 And you never received any
21 instruction that in the event that there was
22 a diesel generator that was not operable that
23 the competent port authority should be
24 notified?

25 A. I'm not aware of this.

1 Q. Were you aware that on -- the
2 waning hours on March 25th into March 26th,
3 before Dali left its berth, that Diesel
4 Generator Number 1 had five start failures?

5 A. No.

6 Q. Did anybody ever notify you of
7 that?

8 A. No.

9 Q. When you were on the bridge and
10 present for the pilot discussion that
11 occurred --

12 A. On 26th?

13 Q. -- on March 26th when the pilot
14 boarded -- let me rephrase. Let me back up a
15 little bit.

16 Do you recall what time the pilot
17 boarded? Was it before midnight on the 25th
18 or after midnight?

19 A. After midnight. After midnight.

20 Q. Okay. So it was the 26th?

21 A. 26th.

22 Q. All right. So when the pilot
23 boarded on the 26th, there was a meeting
24 between the pilot and the master, correct?

25 A. Master-pilot interexchange. Yes,

1 there was a meeting.

2 Q. Great. And you were present,
3 correct?

4 A. I was present.

5 Q. Did anybody tell the pilot at that
6 time that Diesel Generator Number 1 had five
7 start failures?

8 A. No.

9 Q. Would you agree with me that if,
10 in November of 2023, Class issued a directive
11 to Synergy management that, in the event that
12 one of the generators was malfunctioning,
13 they should notify competent port authority
14 of that condition, that that also means that
15 you should notify the pilot who's coming
16 onboard?

17 MR. BENNETT: Just note my
18 objection.

19 A. I'm not aware of anything.

20 BY MR. WALKER:

21 Q. Listen to my question. And I
22 apologize. There was a long delay in
23 between.

24 But if there is a directive from
25 Class to the vessel to notify competent port

1 authority when you have a malfunctioning
2 diesel generator -- that on March 26th, if,
3 in fact, there was a malfunctioning diesel
4 generator, that that condition should have
5 been reported to the pilot?

6 MR. BENNETT: Just note my
7 objection.

8 MR. DUFFY: I'm going to --
9 (Simultaneous unreportable crosstalk.)

10 MR. BENNETT: -- not what the
11 Class letter even says.

12 MR. DUFFY: I'm going to object
13 as well.

14 BY MR. WALKER:

15 Q. Can you answer my question?

16 A. If the pilot would have
17 specifically mentioned anything happened --
18 anything wrong happened in the past, yes, the
19 captain would have told him.

20 Q. So the pilot, in your view, has to
21 ask an affirmative question whether there's
22 been any problems onboard, recent, to get
23 that kind of information?

24 A. Yes.

25 MR. WALKER: Josh, are you out

1 there?

2 DOC TECH: Yes.

3 MR. WALKER: Exhibit D, can we
4 mark that next number, which should be
5 35.

6 DOC TECH: All right. Please
7 stand by.

8 (Exhibit 35 was marked for
9 identification.)

10 BY MR. WALKER:

11 Q. Mr. Bisht, let me show you what
12 we're --

13 MR. WALKER: We'll have the
14 court reporter put a sticker on it
15 later, but we'll mark this as
16 Exhibit 35. And for everybody out in
17 the Ethernet, this is Petitioner
18 244725. And --

19 So, Josh, this would be Larry
20 Walker's exhibits. This should be an
21 e-mail dated Wednesday, November 1,
22 2023.

23 Josh?

24 DOC TECH: All right. The
25 document should be in the chat. And

1 would you like it shared on the screen
2 also?

3 MR. WALKER: No. That's not
4 necessary for me.

5 DOC TECH: The document should
6 be in the Zoom chat.

7 MR. WALKER: Josh, it's not the
8 right one.

9 DOC TECH: Okay. Sorry about
10 that.

11 That was Document D as in
12 "David"?

13 MR. WALKER: D as in "David."
14 It's an e-mail dated November 1, 2023.

15 DOC TECH: One moment, please.

16 All right. Here it is.

17 BY MR. WALKER:

18 Q. Mr. Bisht, did you have an
19 opportunity to review that document?

20 A. No.

21 Q. I mean, it's been in front of you
22 for a minute or two, now. Did you have an
23 opportunity to review it?

24 A. Yes.

25 Q. Okay. Let me ask you, since I see

1 you reviewing it, are you -- do you read
2 English?

3 A. I read English.

4 Q. Have you ever seen this before
5 right now, Exhibit 35?

6 A. I cannot recall.

7 Q. And you'll note this is an e-mail
8 dated Wednesday, November 1, 2023, correct?

9 A. Yes.

10 Q. And you were on the Dali at that
11 time, correct?

12 A. Yes.

13 Q. And there's some numbered
14 paragraphs below, right?

15 A. Yes.

16 Q. Number 2 references: Auxiliary
17 Engine Number 2 has malfunction.

18 Do you see that?

19 A. Yes.

20 Q. Do you recall that?

21 Now that you've seen this
22 document, is it refreshing your recollection?

23 A. I can recall there was an issue
24 with one of the generators, but whether it
25 was Number 2 or Number 3, I cannot recall.

1 Q. All right. And do you recall that
2 while you were operating the vessel out in
3 international waters outside of the emissions
4 control areas that, typically, the Dali would
5 operate Generators Number 1 and 2, and when
6 the vessel was in -- operate -- let me
7 rephrase the question.

8 Are you aware -- maybe this will
9 save a lot of time throughout the day: Do
10 you have any idea how the diesel generators
11 are lined up when you're travelling?

12 A. No idea at all.

13 Q. And I'm going to ask you just a
14 few more questions to make sure we're on the
15 same page.

16 Did you know prior to arriving in
17 Baltimore that Dali had two generators that
18 were specifically designated to run on marine
19 gas oil?

20 A. No.

21 MR. BENNETT: Just note my
22 objection.

23 BY MR. WALKER:

24 Q. Did you know how many -- when you
25 were on the Dali, did you know how many

1 generators were on the vessel?

2 A. No.

3 Q. And that's not your job, right?

4 A. Yeah.

5 Q. That's somebody else's job,

6 correct?

7 A. Yes.

8 Q. That's the electrician's job,

9 right?

10 MR. BENNETT: Just note my

11 objection.

12 A. Electrician can be a part of a
13 generator. I actually don't know. But
14 engineers -- one of the engineers will surely
15 be responsible for generators.

16 BY MR. WALKER:

17 Q. Is it fair to say generally that,
18 on the vessel, there's an engineering side
19 and then the officer side that handles cargo
20 and deck jobs and things of that nature?

21 A. Engine side and deck side.

22 Q. And on the engine side, the chief
23 engineer is at the top, right?

24 A. Correct.

25 Q. And he reports directly to the

1 master, correct?

2 A. Correct.

3 Q. And under the chief engineer on
4 this vessel was there an electrician?

5 A. Yes.

6 Q. What did you understand his
7 qualifications to be?

8 A. He was an electrical officer
9 onboard Dali, and he had a good experience
10 with him. He had sailed on a lot of vessels
11 before.

12 And this is what I know about him.

13 Q. And were you also aware that the
14 vessel has two transformers?

15 A. No.

16 Q. You don't even know how many
17 transformers?

18 A. I don't know which part of ship
19 they are.

20 Q. Were you aware that there were
21 transformers on the Dali that were capable of
22 being redundant to one another in the event
23 of a loss of power?

24 A. Nothing, no.

25 Q. That's outside your area, correct?

1 A. Correct.

2 Q. Okay. And how those transformers
3 are set up or how they are managed, what
4 settings are on them, you don't know anything
5 about that, correct?

6 A. I don't know anything about that.

7 Q. All right. So, again, I'm going
8 to -- just for clarity -- and I apologize
9 because I know the answer's going to be you
10 don't know.

11 But I will represent there are two
12 transformers, TR1 and TR2, on the Dali, and
13 that they have the capability through
14 settings to -- in the event of a circuit
15 breaker trip, to transfer the power
16 automatically from one to the other.

17 Do you know anything about that?

18 A. No.

19 Q. Do you have any knowledge about
20 how they were set up on March 26th?

21 A. No.

22 Q. Do you have any knowledge about
23 how they were ever set up before that?

24 A. No.

25 Q. So back to Exhibit 35. This

1 document talks about Diesel Generator Number

2 Two malfunctioning, correct?

3 A. Yes, sir.

4 Q. All right. And you'll see under

5 Paragraph Number 3, Sub-item (f), it says:

6 All crew and officer to be made aware of the

7 condition.

8 Do you see that?

9 A. Yes, sir.

10 Q. Did I read it correctly?

11 A. Yes.

12 Q. Were you made aware of this

13 condition at that time?

14 A. Now I can recall I was aware of

15 such malfunction.

16 Q. And then under Item

17 Number 4 -- I'm sorry, Item Number 3(j), it

18 says: Master to inform the competent port

19 authority and comply with any requirement

20 they may have.

21 Did I read that correctly?

22 A. Yes, sir.

23 Q. Did the master inform the pilot

24 that DG1 had five start failures before the

25 Dali left its berth on March 26th?

1 A. No.

2 Q. Do you agree with me that when you
3 try to start a generator five times and it
4 doesn't start that it's malfunctioning?

5 MR. BENNETT: Just note my
6 objection.

7 A. I don't know.

8 BY MR. WALKER:

9 Q. Shouldn't a generator start when
10 you try it?

11 MR. BENNETT: Just note my
12 objection.

13 A. I know the functioning of the
14 generator. I don't know how it works. How
15 many times it has to restart or start it
16 again. I don't know.

17 BY MR. WALKER:

18 Q. Do you know what "malfunction"
19 means?

20 A. Malfunction means there can be
21 some technical issues in the machinery.

22 Q. It means it's not working like it
23 should, right?

24 A. Yeah, the word malfunction, the
25 definition is.

1 Q. So when a diesel generator is
2 attempted to be started five times in a row
3 and it doesn't start, can't we agree that
4 it's malfunctioning?

5 MR. BENNETT: Just note my
6 objection.

7 A. Yes.

8 BY MR. WALKER:

9 Q. And under that circumstance, this
10 document would indicate that the pilot should
11 have been notified, correct?

12 MR. BENNETT: Just note my
13 objection.

14 A. When pilot is boarding the vessel,
15 he generally -- during the master-pilot
16 interexchange he ask generally about the
17 present condition of the vessel: Is the
18 vessel ready to sail? Are you experiencing
19 any problem right now? Which -- the vessel
20 was ready on 26th.

21 BY MR. WALKER:

22 Q. This document says: The master to
23 inform the competent port authority, correct?

24 A. Yeah.

25 MR. BENNETT: You're mixing

1 apples and oranges.

2 MR. REISMAN: Hang on. Just
3 make objections, Bill. You can object
4 to the form.

5 MR. BENNETT: You're not taking
6 the deposition.
7 (Simultaneous unreportable crosstalk.)

8 MR. BENNETT: He's a big boy.

9 THE STENOGRAPHER: One at a
10 time.

11 MR. REISMAN: Speaking
12 objections are inappropriate.

13 MR. BENNETT: He's a big boy,
14 and he can handle himself, David.

15 MR. REISMAN: Speaking
16 objections are inappropriate.

17 MR. BENNETT: Just keep quiet
18 down at the table there.

19 MR. REISMAN: I'm not going to
20 keep quiet.

21 MR. BENNETT: Keep quiet.

22 MR. REISMAN: I'm going to tell
23 you right now, speaking objections are
24 inappropriate. You should refrain
25 from violating the rules that you know

1 exist, Bill. Just state "objection."

2 MR. BENNETT: Thanks for your
3 comment, Dave.

4 MR. REISMAN: You're welcome.

5 MR. BENNETT: You're not taking
6 the deposition.

7 MR. REISMAN: That's correct.

8 MR. BENNETT: And yesterday you
9 counseled someone else not to jump in,
10 so why don't you follow your own
11 rules.

12 MR. REISMAN: I'm entitled --

13 MR. BENNETT: Larry's a big boy.
14 (Simultaneous unreportable crosstalk.)

15 MR. REISMAN: I'm entitled to
16 comment.

17 MR. BENNETT: Larry's a big boy.

18 MR. REISMAN: And I'm going to
19 continue to do so. No speaking
20 objections.

21 MR. BENNETT: Yeah, I know. You
22 just want to hear your own voice.

23 MR. REISMAN: That's it.

24 MR. BENNETT: Go ahead, Larry.
25

1 BY MR. WALKER:

2 Q. You okay?

3 A. I'm fine, yeah. No problem.

4 Q. This document says that the master
5 is supposed to inform a competent port
6 authority, correct?

7 A. Yes.

8 Q. All right. Do you agree the pilot
9 is a competent port authority?

10 MR. BENNETT: Just note my
11 objection.

12 A. I don't know.

13 BY MR. WALKER:

14 Q. You don't know?

15 A. He's a competent -- is he a
16 competent port authority? I don't know.

17 Q. Do you agree that the point of
18 this document is that, if you have a
19 malfunctioning diesel generator, that Class
20 wants the master to tell the competent port
21 authority? Whatever that means.

22 MR. BENNETT: Just note my
23 objection.

24 A. Yeah.

25

1 BY MR. WALKER:

2 Q. Let's switch gears a little bit.

3 What is your primary language?

4 A. Hindi.

5 Q. And where do you live? Where is
6 your home? Not now, but in India.

7 A. In India, I stay in the state of
8 Uttarakhand.

9 Q. Can you spell that for the court
10 reporter?

11 A. Yeah. It's U-T-T-A-R-A-K-H-A-N-D.

12 Q. And if I wanted to mail a postcard
13 to you or reach out to you in the future and
14 find you at your home, can you give
15 me -- give the court reporter your address?

16 A. Yes, I can. It is behind block
17 office, B-L-O-C-K, near S.D.M. School, Board
18 Number 1. And city name is B-A-Z-P-U-R,
19 Bazpur -- B-A-Z-P-U-R. Pin code, 262401.
20 State Uttarakhand. District is Udhm Singh
21 Naga, U-D-H-E-M, S-I-N-G-H, N-A-G-A-R.
22 Country, India.

23 Q. Thank you.

24 A. No problem.

25 Q. Is your primary language Hindi?

1 A. Yes.

2 Q. And you know that we have an
3 interpreter for you today in the event that
4 you need one?

5 A. Yeah.

6 Q. And so if at any point today you
7 don't understand a question that I ask or if
8 there's a word that's used and you don't
9 understand it, will you let us know and we'll
10 ask for the interpreter to help?

11 A. I will.

12 Q. And you do speak English very
13 well, and I appreciate that, and our
14 interpreter may have the easiest day. Okay?

15 A. Yeah.

16 Q. But you'll tell me if you need
17 her, right?

18 A. I will tell you.

19 Q. Okay. All right. Again, I'm
20 going to remind you, because I'm going to ask
21 you about what you did to prepare, but I'm
22 going to remind you, I don't want to know
23 what you did -- what you said to your
24 attorney. Okay?

25 A. Yes.

1 Q. First of all, who is your
2 attorney?

3 A. My attorney is Mr. Owen Duffy.

4 Q. To the best of your knowledge, do
5 you have any other attorneys?

6 A. No.

7 Q. Do you know Mr. Bennett?

8 A. I know him.

9 Q. Do you consider him to be your
10 attorney as well?

11 A. No.

12 Q. What did you do to prepare for
13 your deposition? And, again, don't tell me
14 what did in terms of discussions with
15 Mr. Duffy.

16 A. No special preparations. I met
17 with Mr. Duffy.

18 Q. Okay.

19 A. That's it.

20 Q. All right. And when did you meet
21 with Mr. Duffy?

22 A. I met him yesterday.

23 Q. And had you met with him to
24 prepare for your deposition before yesterday?

25 A. No.

1 Q. When did you meet yesterday?

2 Because I was here with Mr. Duffy most of the
3 day.

4 A. After he finished with his
5 depositions.

6 Q. Was anybody else with you and
7 Mr. Duffy?

8 A. No. Mr. Duffy and me.

9 Q. No Mr. Bennett?

10 A. No.

11 Q. And was -- during the time that
12 you met with Mr. Duffy, did you review any
13 documents or look at any pictures?

14 A. No.

15 Q. Do you recall giving a statement
16 when you were onboard the vessel apart from
17 the NTSB report or the NTSB statement?

18 A. I give statement to MPA in
19 Singapore. MPA.

20 Q. The MPA in Singapore?

21 MR. WALKER: Josh, can you mark

22 as Exhibit 36 Tab L.

23 (Exhibit 36 was marked for
24 identification.)

25

1 BY MR. WALKER:

2 Q. Mr. Bisht, do you see the document
3 that's in front you right now marked as
4 Exhibit 36?

5 A. I see it, sir.

6 Q. Have you ever seen this before
7 today?

8 A. No. Right now, I am seeing it
9 after I made it on ship.

10 Q. All right. It's two-sided. Why
11 don't you take a minute. Review it and let
12 me know when you're done reading it. Okay?

13 A. Okay.

14 Okay. I read it.

15 Q. All right. Now, we talked earlier
16 about the fact that you gave a recorded
17 statement to the NTSB, correct?

18 A. Yes, sir.

19 Q. That is not this statement,
20 correct?

21 A. No.

22 Q. And you just mentioned to me a
23 moment ago that you gave a statement to the
24 MPA in Singapore, correct?

25 A. Yes.

1 Q. Is that this statement?

2 A. No.

3 Q. Do you have a copy -- have you
4 ever received a copy of the statement that
5 you gave to the Singapore MPA?

6 A. No.

7 Q. Who did you give a statement to at
8 the Singapore MPA?

9 A. There were two officers who came
10 from MPA. I cannot recall their name. Two
11 of them boarded the vessel, and I gave my
12 statement to them.

13 Q. Were they MPA officers?

14 A. From MPA.

15 Q. Was anybody with you apart from
16 the two MPA officers?

17 A. No.

18 Q. There was no one there from
19 Synergy?

20 A. No.

21 Q. Nobody -- you didn't have your
22 counsel or any counsel with you at that time?

23 A. There was someone else. He was
24 not present at that time.

25 Q. But there were someone other than

1 the two MPAs?

2 A. Yes.

3 Q. Who was that?

4 A. He was my attorney at that time,
5 Steve Simms.

6 Q. What is his name, Mr. Simms?

7 What did you tell the MPA?

8 A. They asked me about what happened
9 right from 25th of March to the time with --
10 actually collided with the bridge. All the
11 events that occurred in between.

12 Q. Did you tell them everything?

13 A. Yes.

14 Q. And you've never seen a copy of
15 that statement?

16 A. No.

17 Q. How long was the interview that
18 you gave the MPA?

19 A. I cannot recall exactly timing.
20 Shouldn't be more than 1 hour 30 minutes.

21 Q. Was it recorded?

22 A. It was not -- only the audio was
23 recorded. Not the video.

24 Q. Was there an audio recorder on the
25 table between you and the people that were

1 asking questions?

2 A. Yes.

3 Q. Were you ever given a copy of that
4 statement?

5 A. Never.

6 Q. Were you ever given a copy of the
7 data file or the tape of the recording?

8 A. Never.

9 Q. Do you know whether that statement
10 was ever transcribed?

11 A. After they finished the -- after
12 they finished taking statements, they took a
13 printout copy of it, and they gave it us to
14 just verify if everything is okay. We signed
15 those copy and gave it back to them.

16 Q. So neither you nor your attorney
17 got a copy of that.

18 A. No.

19 Q. Is that correct?

20 A. Yes.

21 Q. And so apart from the NTSB
22 statement and Exhibit 36 and the MPA
23 statement, have you ever given any other
24 statements?

25 A. Yes, I have.

1 Q. And to whom did you give any other
2 statements?

3 A. There were other investigating
4 agencies who -- in front of whom I testified.

5 Q. And you said you "testified."
6 What tell me about that?

7 MR. DUFFY: I'm going to object
8 and instruct the witness not to answer
9 because this has to be the Department
10 of Justice investigation. And I'm
11 going to instruct him not to answer.

12 MR. WALKER: Understood. I'll
13 ask some questions and you'll object,
14 and you'll listen to your attorney.
15 Okay?

16 THE WITNESS: Okay.

17 BY MR. WALKER:

18 Q. This additional statement that
19 you're telling about -- telling me about, was
20 it under oath -- were you under oath?

21 MR. DUFFY: I'm going object to
22 any questioning along the lines that
23 involve that and instruct him not to
24 answer.
25

1 BY MR. WALKER:

2 Q. And did you give testimony in
3 front of a grand jury?

4 MR. DUFFY: I'm going to object
5 and instruct the witness not to
6 answer.

7 BY MR. WALKER:

8 Q. Have you ever seen a copy of the
9 testimony that you gave that we're talking
10 about right now?

11 MR. DUFFY: Objection. And I
12 instruct the witness not to answer.

13 BY MR. WALKER:

14 Q. So putting that aside, since we're
15 not going to get very far about that, we've
16 now talked about testimony that we're not
17 allowed to talk about. We have Exhibit 36
18 that's in front of you, the NTSB statement,
19 and a statement that you gave to the MPA.

20 Have you ever given any statements
21 or sworn testimony to anybody else?

22 A. Apart from Exhibit 36, NTSB, and
23 MPA, you're talking?

24 Q. So other than what we've already
25 talked about, are there any more statements?

1 A. No, no, no, no.

2 Q. There's a couple more than I even
3 expected you to tell me that were out there,
4 but okay. I want to make sure that I have
5 the universe of statements that you've given
6 about this event.

7 A. Uh-huh.

8 Q. Have we talked about that?

9 A. Yes, we have already spoken --

10 Q. There's nothing -- there are no
11 more statements that you know about that you
12 haven't told me about, correct?

13 A. I have not a given statement to
14 anyone else other than I have told you.

15 MR. DUFFY: Can I have a minute
16 with the witness?

17 MR. WALKER: Absolutely.

18 THE VIDEOGRAPHER: Going off the
19 record at 10:10 a.m.

20 (A brief recess was held from 10:10
21 a.m. to 10:22 a.m.)

22 THE VIDEOGRAPHER: We are going
23 back on the record at 10:22 a.m.

24 BY MR. WALKER:

25 Q. Mr. Bisht, we had an opportunity

1 to take a few-minute break.

2 Did you have an opportunity to
3 talk with your attorney?

4 A. Yes.

5 Q. And are you ready to proceed?

6 A. I'm ready.

7 Q. I mentioned to you earlier as part
8 of one of my instructions that it has been my
9 habit over the years to ask witnesses after a
10 break if there's anything that they thought
11 of during the break that they would like to
12 talk more about that we've already talked
13 about.

14 A. No.

15 Q. All right. And, again, I'll ask
16 you that after a lunch break. And this
17 afternoon when we get done, I'm going give
18 you the same opportunity. Okay?

19 A. Yes, sir.

20 Q. Along the way, if you think of
21 that yourself and you want go back over
22 things and want to talk about them, you're
23 going to let me know?

24 A. Okay.

25 Q. I want to go back to Exhibit 35

1 for just a second and ask you a question or
2 two about that.

3 First of all, I made the mistake
4 and didn't catch it -- I should have -- that
5 Mr. Bennett objected once or twice.

6 I said that this e-mail was from
7 Class. It's actually from MPA, correct?

8 A. Yes.

9 Q. All right. MPA is the flag state
10 for the vessel, right?

11 A. Yes.

12 Q. You have a number of different
13 licenses that have been issued to you out of
14 India, correct?

15 A. Yes.

16 Q. When you serve on a vessel that
17 flies under the Singapore flag, you get a
18 certificate of competency from MPA
19 acknowledging your Indian license, right?

20 A. That's correct.

21 Q. So you're subject to MPA rules
22 when you're operating on a vessel that flies
23 under the MPA flag, correct?

24 A. That's correct.

25 Q. So it's your job and

1 responsibility to follow MPA rules when
2 you're on the vessel Dali, correct?

3 A. Yes.

4 Q. Because it flies under the MPA
5 flag, correct?

6 A. That's correct.

7 Q. All right.

8 So back to Exhibit 36. You had an
9 opportunity to review this, correct?

10 A. Yes.

11 Q. And do you believe this to be
12 accurate and truthful?

13 A. Yes.

14 Q. Is there anything in this exhibit
15 that you would correct or expand upon?

16 A. Not at all.

17 Q. And now that you have had an
18 opportunity to talk with your lawyer -- and,
19 again, I don't know -- I don't want to know
20 what you said.

21 But what I want to be sure is that
22 we have talked about all of the statements
23 that you are aware that you have given so
24 far, correct?

25 A. Yes. Including Exhibit 36,

1 including this.

2 Q. Thank you. So what I want to do
3 is talk a little bit about you for a moment.
4 Okay?

5 A. Yes, sir.

6 Q. How old are you today?

7 A. 33 years.

8 Q. Are you married?

9 A. Unmarried.

10 Q. Do you have any children?

11 A. No.

12 Q. Your family in India?

13 A. Yes.

14 MR. WALKER: Josh, can we mark
15 Exhibit N as in "Nancy."

16 DOC TECH: The document is
17 uploaded. And that should be
18 Exhibit 37, correct?
19 (Exhibit 37 was marked for
20 identification.)

21 BY MR. WALKER:

22 Q. Mr. Bisht, I'll switch with you.
23 Put 37 on the corner, and we'll mark them
24 formally later, but just so there's no
25 confusion.

1 MR. WALKER: And for people
2 online that's Petitioner 31415 through
3 31417.

4 BY MR. WALKER:

5 Q. Do you recognize this document?

6 A. No.

7 Q. If you look in the upper left-hand
8 corner, it says Curriculum Vitae.

9 Do you see that?

10 A. Yes.

11 Q. That's your name on this document,
12 correct?

13 A. Yes.

14 Q. All right. Did you take any part
15 in preparing this?

16 A. As far as I can recall, when I was
17 being interviewed and I got selected, they
18 had sent me a blank copy of one of these
19 forms. I cannot recall whether, you know,
20 this was the form, but I filled a few
21 details, which is matching with the
22 information it has.

23 Q. So are you the person that put all
24 of the information that is in this form?

25 A. Yes.

1 Q. Why don't you take a minute to
2 review it and let me know when you're done.
3 My question for you is going to be whether it
4 was accurate as of March of 2024. Okay?

5 A. I've gone through.

6 Q. All right. Is it accurate?

7 A. Yes.

8 Q. Have you -- have any of your
9 licenses or certifications that are listed
10 here expired since you prepared this?

11 A. No.

12 Q. And did you mention earlier that
13 you prepared this at the time you were
14 applying for a job at Synergy?

15 A. Yes, sir.

16 Q. So the -- at the time that you had
17 applied for a job, you had 5 years of sea
18 service, 2 months and 15 days?

19 A. Uh-huh.

20 Q. Yes?

21 A. Yes, sir.

22 Q. One of the instructions I didn't
23 give you was that you have to give verbal
24 answers.

25 A. I'm sorry.

1 Q. That's quite all right. We all do
2 it. And I don't want you to think I'm being
3 rude when I encourage you to give a verbal
4 response. It's just that we need it for the
5 court reporter.

6 A. You got it.

7 Q. Okay?

8 A. Yes.

9 Q. All right. One more thing I'm
10 noticing is that -- and I think you're get a
11 little more comfortable, which is perfectly
12 fine.

13 People have a tendency to start
14 talking over one another. You're starting to
15 answer very quickly on the end of my
16 question, which is fine except that there's a
17 court reporter sitting to my left and your
18 right who's transcribing what we say, and she
19 is most excellent at what she does, but it's
20 very hard for her to transcribe two people
21 talking at the same time. Okay?

22 A. Okay.

23 Q. And I will apologize in advance.
24 I sometimes am thinking about questions in my
25 mind as I'm asking them and I'll pause. And

1 you might think I'm done, and I'm not, and
2 you'll start to answer. If I put my hand up
3 and ask you to wait, again, I'm not trying to
4 be rude. I'm just trying to make sure that
5 we get the full question out so that when we
6 get a transcript later we see the full
7 question and then an answer. Okay?

8 A. Okay.

9 Q. Thank you.

10 And am I correct that the vessel
11 Dali was your first vessel with Synergy?

12 A. That's correct.

13 Q. And you joined Dali in July of
14 2023, correct?

15 A. That's correct.

16 Q. And were you on the Dali
17 continuously between July of 2023 and March
18 of 2024?

19 A. That's correct.

20 Q. And the trip to Baltimore that
21 we're here to talk about, that was your third
22 trip to Baltimore; is that correct?

23 A. Yes, sir.

24 Q. And were you on the bridge each
25 time that you came to Baltimore?

1 A. I cannot recall.

2 Q. Is it fair to say that you recall
3 meeting the pilot at least once before?

4 A. This pilot?

5 Q. Yes.

6 A. I have met him before.

7 Q. The pilot -- just so we're clear,
8 the pilot that was on the Dali when it left
9 its berth on March 26th, you had met him
10 before, correct?

11 A. The main pilot, yes.

12 Q. Not the trainee?

13 A. Not the trainee.

14 Q. Okay. Did you meet the pilot
15 during an arrival or on a departure in the
16 past?

17 A. In past, I have met him while we
18 were arriving Port of Baltimore.

19 Q. And is one of the things that you
20 remember about him that he would play music
21 on the bridge?

22 A. Yes.

23 Q. And is that a violation of Synergy
24 policy to play music on the bridge?

25 A. Yes. No phones, no distractions

1 allowed on bridge.

2 Q. Did anybody tell the pilot that he
3 should not play music on the bridge?

4 A. No.

5 Q. Whether anybody told him or not,
6 is it fair to say that the playing of music
7 on the bridge during the departure had no
8 effect on what occurred?

9 A. It is fair to say that it had no
10 effect on what happened.

11 Q. When things started to go badly
12 and there was a blackout, the music got
13 turned off, right?

14 A. Yes.

15 Q. That had no complicating effect on
16 what you did after the blackout started,
17 correct?

18 A. No. Yeah, that's correct.

19 Q. All right.

20 And your position on the vessel
21 was second officer; is that right?

22 A. Second officer.

23 Q. And you report to the first
24 officer?

25 A. I report to first officer and

1 captain.

2 Q. Does the bosun report to you?

3 A. No.

4 Q. Does he report directly to the
5 first officer?

6 A. Yes.

7 Q. And as second officer, are you
8 also the officer in charge of navigational
9 watch?

10 A. Yes.

11 Q. Do you know what a sister ship is?

12 A. I know what a sister ship is.

13 Q. Had you ever been on a sister ship
14 to the Dali?

15 A. No.

16 Q. In your years at sea, did you ever
17 experience a blackout?

18 A. I have.

19 Q. Other than the one that we're here
20 to talk about?

21 A. I have experienced in the past.

22 Q. How many times?

23 A. I can recall at least once.

24 Q. What vessel were you on when you
25 experienced that blackout?

1 A. I was on container vessel on --
2 with my previous management, but
3 which -- what was the name of the ship, I
4 cannot recall, which year.

5 Q. Who was your previous management?

6 A. Previous management was Anglo
7 Eastern Ship Management.

8 Q. And tell me what happened with the
9 blackout.

10 A. With the previous management?

11 Q. Yes.

12 A. So we were departing from one of
13 the ports, and it was congested water. There
14 were lot of fishing vessels around. And we
15 certainly had a blackout, but we regained
16 power within a few minutes. So vessel was
17 under control. We had no casualties, no
18 problems, no collision.

19 Q. Did you have steering gear control
20 during that blackout?

21 A. I cannot recall.

22 Q. Did the emergency generator come
23 on during that blackout?

24 A. I cannot recall.

25 Q. I understand from our

1 conversations earlier that the technical side
2 of the vessel, the generators, the electrical
3 systems are not your expertise, correct?

4 A. That's correct.

5 Q. But do you -- nonetheless, are you
6 aware that the vessel was equipped with an
7 emergency generator?

8 A. Yes, sir.

9 Q. And are you also aware that, in
10 the event of a blackout, the emergency
11 generator is supposed to turn on and connect
12 to the emergency generator panel within 35
13 seconds?

14 MR. BENNETT: Just note my
15 objection.

16 A. I am aware of it.

17 BY MR. WALKER:

18 Q. And that 35-second requirement is
19 a ship or Synergy requirement, correct?

20 MR. BENNETT: Just note my
21 objection.

22 A. Solace requirement.

23 BY MR. WALKER:

24 Q. To be fair to you, is Solace
25 45 seconds or 35 seconds?

1 A. I cannot recall right now.

2 Q. Could be 45 seconds?

3 A. I cannot recall right now.

4 Q. Do you recall there being
5 documents on the vessel, however, that
6 indicated that this vessel expected its
7 emergency generator to come online within
8 35 seconds instead of 45 seconds?

9 A. I can't recall.

10 Q. Do you know how to start the
11 emergency generator?

12 A. Yes, I know.

13 Q. Have you received training about
14 how to start it?

15 A. We have.

16 Q. Tell me how you start it.

17 A. So when you have -- there are two
18 ways -- two mechanisms to start the
19 generator. You have to -- normally, it is
20 always kept on automatic mode.

21 There are two ways to start it:
22 One is manual, and one is automatic. It is
23 normally kept on automatic mode. In case of
24 power loss, it should start by itself and
25 start giving electricity to the panels.

1 On the other hand, if you
2 have -- if you physically go to the emergency
3 generator room, you can turn the knob to
4 manual and just press a start button. Even
5 if that fails, you have a cranking mechanism
6 where you have to turn the lever, and then
7 you would have to -- I mean, toggle the
8 lever, which would start the generator.

9 Q. Have you done that before in
10 training?

11 A. I have done it onboard Dali.

12 Q. We're going to get into some
13 specifics relating to the blackouts and what
14 happened on the bridge later, but, generally
15 speaking, do you know how long it took the
16 emergency generator to come online during the
17 first blackout on March 26th?

18 A. I don't know.

19 Q. You're aware that the vessel has a
20 lot of technology on it, correct?

21 A. Yes, sir.

22 Q. And are you familiar with ACONIS?

23 A. I'm familiar with it.

24 Q. And are you familiar with the fact
25 that the bridge has a VDR as well?

1 A. Yes, sir.

2 Q. And a lot of the data from ACONIS
3 and the VDR is recorded?

4 A. I'm not sure about ACONIS, but,
5 yes, from the equipment from bridge, yes.

6 Q. Are you also aware that the
7 generators that are on the Dali have
8 something -- basically, a computer on them
9 called HiMAP.

10 Do you know that?

11 A. No.

12 Q. Based on what you know of the
13 vessel, would you expect that there would be
14 data onboard the vessel that would indicate
15 when the emergency generator came online
16 during the first blackout?

17 A. From bridge, no.

18 Q. And I think I asked you this a
19 minute ago, but did -- and I apologize.

20 Do you know how long it took for
21 the emergency generator to turn on?

22 A. I don't know.

23 Q. Have you discussed with anyone
24 since the blackout occurred the issue of the
25 generator and how long it took to come on?

1 A. The emergency generator?

2 Q. Yes.

3 A. No.

4 Q. Since the incident that we are
5 here to talk about, the Francis Scott Key
6 Bridge coming into the contact with the Dali,
7 have you ever heard that someone had to
8 manually start the emergency generator?

9 A. Never heard.

10 Q. Has anybody ever discussed with
11 you how long it took the emergency generator
12 to come online?

13 A. No.

14 Q. And you don't know, correct?

15 A. I don't know.

16 Q. From your experience, not only on
17 March 26th during the blackouts but your
18 prior blackout experience, have you
19 experienced enough to notice the difference
20 between full power and emergency generator
21 power?

22 A. Yes.

23 Q. There are some things that are
24 powered by the emergency generator that are
25 not powered by the main system, correct?

1 A. Yes.

2 Q. When the generator -- when the
3 emergency generator is running, right?

4 A. Yes.

5 Q. All right. Are you aware also
6 aware, being a navigator, that during a
7 complete blackout when the emergency
8 generator is not operating that you have no
9 steering whatsoever?

10 A. That it won't respond, yes.

11 Q. Were you aware of how many
12 steering gear pumps there were on the Dali?

13 A. Three.

14 Q. And do you know how many of them
15 are connected to the main electrical bus and
16 how many are connected to the emergency
17 generator bus?

18 A. I'm not aware of it. But in case
19 of emergency, one of the low-speed steering
20 gear would turn on. The other would -- that
21 would not turn on.

22 Q. Just to make sure we unpack that
23 and make sure we're on the same page. In the
24 event of a blackout when the emergency
25 generator turns on, one of the steering-gear

1 pumps would operate on the emergency
2 generator panel in low speed.

3 Is that what you're saying?

4 A. Yes, sir.

5 Q. And the other two, during a
6 blackout would have no power, correct?

7 A. Yes.

8 Q. But in the event that you were to
9 recover from a blackout and the emergency
10 generator is running, you should have the
11 other two pumps running on the main
12 switchboard and one pump running in slow
13 speed on the emergency generator panel,
14 correct?

15 A. Correct.

16 Q. That's your understanding,
17 correct?

18 A. Yes.

19 Q. All right. And you were aware of
20 that on March 26th when the vessel Dali
21 departed its berth, correct?

22 A. I was aware of what?

23 Q. What we just discussed. The
24 steering gear pumps and how they work with
25 the emergency generator, you knew all of

1 that, right?

2 A. Yes.

3 Q. Now, switching gears a little bit,
4 on the bridge on departure were the two
5 pilots, the master, yourself, and the
6 helmsman, correct?

7 A. Correct.

8 Q. Was there anybody else on the
9 bridge?

10 A. No.

11 Q. Now, in terms of the crew who was
12 on the bridge, you had worked with those
13 people for eight months, right? Or not? Let
14 me re-ask the question.

15 When did the master come onboard?

16 A. He joined ship in -- somewhere in
17 Sri Lanka -- Colombo. I cannot which month,
18 which year.

19 Q. By the time March 26th occurred,
20 you had worked with him for several months,
21 correct?

22 A. Correct.

23 Q. You know his voice very well?

24 A. Yes.

25 Q. If we listen to the VDR later, you

1 would recognize his voice, correct?

2 A. I would.

3 Q. And by the same token, you also
4 know the helmsman, correct?

5 A. Correct.

6 Q. You had worked with him for many
7 months, correct?

8 A. Correct.

9 Q. And you would be able to recognize
10 his voice because you had worked with him,
11 right?

12 A. I will be able to recognize.

13 Q. The -- we discussed the electrical
14 systems earlier, and you told me that is not
15 your specialty and you do not know anything
16 about that, correct?

17 A. Correct.

18 Q. All right. Is the same true with
19 respect to the operation of the diesel
20 generators in terms of how many are set up to
21 run when you leave berth?

22 A. Same is true.

23 Q. That's up to the electrician,
24 correct?

25 A. To the engineering department.

1 Q. To make a decision about how many
2 generators will be run, correct?

3 A. Yes.

4 Q. Were you -- did you need receive
5 any training from management about how many
6 generators were needed to operate the bow
7 thruster?

8 A. Never.

9 Q. Do you know how many generators
10 are needed to operate the bow thruster?

11 A. No.

12 Q. Do you know whether the bow
13 thruster has an inner lock that must be
14 disengaged if you're using only two
15 generators on departure?

16 A. I'm not aware of this.

17 Q. Have you ever seen any -- when
18 you -- let me rephrase the question.

19 When you joined the Dali, did you
20 ever receive any training relating to safety
21 bulletins that had been put out by the Dali?

22 A. Please repeat the question again.

23 Q. Are you familiar with the fact
24 that Synergy puts out safety bulletins when
25 things happen?

1 A. Yes.

2 Q. I've seen looking through
3 documents sometimes somebody pinches their
4 hand, and then there will be a safety
5 bulletin that will be put out to tell people
6 to be careful when operating around certain
7 equipment.

8 Have you seen things like that?

9 A. Safety messages, yes.

10 Q. And during the time that you were
11 on the Dali, did you see those safety
12 messages?

13 A. I saw them.

14 Q. Is there any practice or a policy
15 to teach new people who come onboard about
16 technical bulletins or safety measures that
17 were issued before you arrived on the vessel?

18 A. No.

19 Q. Have you ever seen any training
20 manuals or books, binders on the vessel that
21 contain these bulletins from prior to the
22 time that you joined with --

23 A. I have not seen.

24 Q. You did not see.

25 MR. WALKER: Josh, can we mark

1 Exhibit A as the next exhibit.

2 (Exhibit 38 was marked for
3 identification.)

4 MR. BENNETT: Can I have two
5 minutes?

6 MR. WALKER: Of course.

7 MR. BENNETT: I have an
8 emergency going on.

9 THE VIDEOGRAPHER: Going off the
10 record at 10:47 a.m.

11 (A brief recess was held from
12 10:47 a.m. to 10:49 a.m.)

13 THE VIDEOGRAPHER: We are going
14 back on the record at 10:49 a.m.

15 BY MR. WALKER:

16 Q. Mr. Bisht, you should have in
17 front of you what we marked as Exhibit 38.

18 Did you have an opportunity to
19 read that?

20 A. I'm still reading that.

21 Q. Let me know when you're done. All
22 right?

23 A. Okay.

24 I've read it.

25 Q. All right. Now, just for clarity,

1 I'll represent to you that, first of all,
2 this is Petitioner 192710 through 7112, and
3 then attached to it is Petitioner 340289.

4 Would you agree, as a general
5 matter, that what -- the technical bulletin
6 dated April 13, 2021, appears to be related
7 to the e-mail that's attached to it?

8 A. Yes.

9 Q. Okay. Had you ever seen this
10 before now?

11 A. No.

12 Q. Did anybody ever tell you when you
13 boarded Dali that management had made a
14 recommendation that an extra generator be run
15 during maneuvering?

16 A. No.

17 Q. Does that sound like a good idea
18 to you given what you read in this document?

19 A. I don't know. I mean, switching
20 off and how many generators should be
21 running, it is something which the
22 engineering department have to take care of.

23 Q. Right. But in this case,
24 management actually issued a technical
25 bulletin, correct?

1 A. Yes, sir.

2 Q. And management dockside is full of
3 a lot of smart people that take the time to
4 recognize possible consequences when things
5 occur, correct?

6 A. Correct.

7 Q. And the very purpose of issuing
8 these bulletins is to educate the fleet,
9 right?

10 A. Yeah.

11 Q. And in this case, do you agree
12 that management appears to have thought it
13 was a good idea to educate the fleet about
14 what is in the technical bulletin?

15 A. Yes.

16 Q. And do you agree that what is in
17 here appears to be a good idea?

18 A. Yes.

19 Q. And what this technical bulletin
20 describes is a blackout that occurred during
21 the operation of a bow thruster when there
22 were only two generators online, correct?

23 A. This bulletin says, yes.

24 Q. And what this bulletin says is
25 that if you're operating two generators and

1 this electrical event that they describe in
2 here occurs, you can have a blackout,
3 correct?

4 A. Yes.

5 Q. And that if you have a blackout,
6 there could be catastrophic consequences,
7 correct?

8 A. Yes.

9 Q. And catastrophic consequences are
10 good to avoid, right?

11 A. Always good to avoid.

12 MR. WALKER: Josh, can we mark
13 Exhibit B as 39.
14 (Exhibit 39 was marked for
15 identification.)

16 BY MR. WALKER:

17 Q. Take a moment to read Exhibit 39,
18 and let me know when you're done.

19 Are you done?

20 A. I am done.

21 Q. So at the top of the first page,
22 which is Petitioner 240157, this is an e-mail
23 from DALI-MASTER dated September 13, 2021,
24 correct?

25 A. Correct.

1 Q. It's exactly five months after the
2 April 13th bulletin, correct?

3 A. Yes.

4 Q. And this is document, the sender
5 is an e-mail address MLFMTPERFTC on
6 September 9, 2021.

7 Do you know who that is?

8 A. No.

9 Q. But the first thing that the
10 sender of the September 9th e-mail says is an
11 opening paragraph, and it's about fuel
12 consumption, right?

13 A. Yes, sir.

14 Q. And fuel consumption is always an
15 important issue on a vessel, isn't it?

16 A. It is.

17 Q. Because fuel costs a lot of money,
18 right?

19 A. Yes.

20 Q. All right. Now, the April 13,
21 2021, technical bulletin was recommending
22 that an extra generator be run during
23 maneuvering, correct?

24 A. Yes.

25 Q. But this e-mail, just five months

1 later, says that that extra generator should
2 not be switched on, correct?

3 MR. BENNETT: Just note my
4 objection.

5 BY MR. WALKER:

6 Q. Let me read it exactly. It says:
7 Switching on the extra generator for
8 maneuvering at the optimal time.

9 Correct?

10 A. Yeah, it doesn't say switch off.
11 It says: Switch on the generator --
12 switching on the generator -- extra generator
13 for maneuvering at the optimal time.

14 Q. Because what they're saying here
15 is it should be off, and you should switch it
16 on at the optimal time, right?

17 MR. BENNETT: Just note my
18 objection.

19 A. The statement says what you're
20 saying.

21 BY MR. WALKER:

22 Q. Right. What they're getting at is
23 that they want it off, and they want you to
24 switch it on, that extra generator, only at
25 the optimal time, correct?

1 MR. BENNETT: Just note my
2 objection. That's not what the e-mail
3 says.

4 A. But the statement says you have to
5 switch on the generator while maneuvering.
6 That can be possibly that that ship is coming
7 from deep ocean where it is not required.

8 BY MR. WALKER:

9 Q. And it says: At the optimal time.
10 Correct?

11 A. Uh-huh.

12 Q. What's the optimal time?

13 A. Maneuvering is the optimal time.

14 Q. So how would you reduce
15 consumption differently from the April -- if
16 you were following the e-mail --

17 MR. DUFFY: I'm going object to
18 this whole line of questioning on the
19 basis -- you're asking this witness,
20 who's a deck officer, technical
21 questions --

22 MR. WALKER: Mr. Duffy --

23 MR. DUFFY: -- based on --

24 MR. WALKER: -- if you want to
25 place an objection to form, go right

1 ahead. I don't have a problem with
2 that.

3 MR. DUFFY: You're asking the
4 him about --

5 MR. WALKER: You're leading the
6 witness.

7 (Simultaneous unreportable crosstalk.)

8 THE STENOGRAPHER: Hold on. One
9 at a time.

10 MR. WALKER: No. I know, I
11 know.

12 MR. DUFFY: You're asking him
13 about e-mails that were generated two
14 years before he even went to work
15 there.

16 MR. WALKER: I appreciate that.
17 Thank you.

18 MR. DUFFY: So these -- you're
19 not doing it in context of what
20 circumstances there are. I think it's
21 unfair. I object.

22 MR. WALKER: Okay. Your
23 objection's noted.

24 BY MR. WALKER:

25 Q. Mr. Bisht, the April 13, 2021,

1 technical bulletin is recommending to the
2 fleet to run an extra generator during
3 maneuvering, correct?

4 A. Correct.

5 Q. Why would you even need to send
6 this e-mail of September 13th if you're
7 already running the generator at
8 the -- during maneuvering?

9 A. I don't know.

10 MR. BENNETT: Just note my
11 objection.

12 BY MR. WALKER:

13 Q. The whole point of this e-mail is
14 to conserve fuel, right?

15 MR. BENNETT: Just note my
16 objection.

17 A. Yeah, but I don't know why this
18 e-mail was sent, and how can you save extra
19 fuel onboard.

20 BY MR. WALKER:

21 Q. So my question to you is, if
22 you're running the extra generator in
23 accordance with the April 13, 2021, technical
24 bulletin, how can you save fuel by switching
25 on the extra generator for maneuvering at the

1 optimal time? How would you do that?

2 A. I don't know. This is something
3 which engineering department has to take care
4 of.

5 Q. And you can't interpret that for
6 me, can you?

7 A. I cannot. I cannot get into the
8 technicalities of what this --

9 Q. You can't make sense of how to
10 make these two documents read together, can
11 you?

12 A. I cannot.

13 Q. When you were on the bridge during
14 the blackouts, did you have any conversations
15 with people in the ECR?

16 A. After the first blackout, yes, I
17 had.

18 Q. What did -- who were you talking
19 to?

20 A. As soon as first blackout
21 occurred, I immediately called up engine
22 room, and it was chief engineer who picked up
23 the call.

24 Q. What did you discuss?

25 A. I wanted to ask what has -- I

1 mean, "We want the power back. What has
2 happened?" So this is what I wanted to relay
3 to him.

4 Q. To the best of your recollection,
5 tell me everything that you discussed: All
6 of your questions, all of his answers, and
7 all of your back-and-forth. Okay?

8 A. Yeah, okay. So it was barely two,
9 three seconds call, and we had a blackout. I
10 immediately pick up the telephone and called
11 up engine room. It was chief engineer on the
12 other side who picked up the call. I told
13 him that we want the power back. Or "What
14 has happened?" I might have asked him these
15 two questions, to the best I can recollect.

16 And he just said, "Okay, okay,"
17 and he hang up the call on me.

18 Q. Have you told me everything about
19 that conversation?

20 A. Yes, I have.

21 Q. Did you hear anything in the
22 background, people in the background in the
23 engine room talking?

24 A. No.

25 Q. Do you have -- as you sit here

1 today, are you aware of any information about
2 who was in the ECR during the entire incident
3 from the time the blackout occurred until the
4 Dali hit the bridge?

5 A. No.

6 Q. And do you have any information
7 about whether any of the people that may have
8 been in the ECR left the ECR at any time
9 during that time period?

10 A. I'm not aware of it.

11 Q. Since the incident, have you
12 talked with anybody who was in the ECR and
13 had a discussion about what occurred in the
14 ECR during that time period?

15 A. As soon as the -- this unfortunate
16 incident happened, after several hours, we
17 used to meet while having dinner or lunch,
18 and no one knew why it happened, actually.
19 So this is the only discussion we used to
20 have, why it happened.

21 Q. And who would you be eating lunch
22 with when you would have these discussions?

23 A. They were random people. It can
24 be third engineer, fourth engineer, second
25 engineer, chief engineer, captain, chief

1 officer, anyone.

2 Q. Understood. Is it fair to say
3 that these are the people that have remained
4 here in Baltimore?

5 A. Yes.

6 Q. How many times since March 26,
7 2024, and today, have you had these kinds of
8 discussions with people that were on
9 the -- onboard the Dali about what happened?

10 A. Maybe two times, two, three times
11 not very often. We don't discuss a lot about
12 the incident.

13 Q. I can imagine why. But tell me.
14 When's the last time you had one of these
15 discussions?

16 A. Maybe a month before.

17 Q. A month ago?

18 A. Yeah.

19 Q. And who was present for that
20 discussion?

21 A. Fourth engineer. Maybe Ganesh.
22 I'm not sure.

23 Q. Just do your best to tell me your
24 best recollection.

25 A. Fourth engineer, Ganesh, or chief

1 officer.

2 Q. Anybody else?

3 A. No.

4 Q. So four of you?

5 A. Yeah.

6 Q. And what did you discuss?

7 A. We normally discuss what -- why it
8 happened, what could -- what -- like, why
9 this unfortunate incident happened at that
10 point of time. You know, had the ship passed
11 the bridge, the maximum would -- we would
12 have been grounded, but the bridge would have
13 not collapsed. So only these things were
14 discussed.

15 Q. And what I'm inquiring about are
16 discussions relating to why the blackout
17 occurred, why the second blackout occurred,
18 those type of technical issues.

19 Did you discuss those?

20 A. No.

21 Q. So you just discussed kind of the
22 larger issue of how you all felt about what
23 occurred?

24 A. Yes.

25 Q. All right. So, again, just to

1 circle back, I'm trying to find out have you
2 ever had -- since the allision occurred, have
3 you ever had these more technical discussions
4 with anybody who was on the vessel about why
5 the first blackout occurred or why the second
6 blackout occurred?

7 A. No.

8 Q. Have you done any of your own
9 investigation into why the incident occurred?

10 A. No.

11 Q. You're aware -- are you aware that
12 the NTSB has issued some public reports so
13 far about the incident?

14 A. I'm aware of it.

15 Q. Have you read them?

16 A. I have read them.

17 Q. How did you get copies of them?

18 A. NTSB post their initial and
19 preliminary reports on their own website. So
20 it's a public domain. Anybody can have
21 access to it.

22 Q. Do you have technology with you
23 that allows you to access the Internet?

24 A. Yes.

25 Q. What do you have -- what kind of

1 devices?

2 A. We have Wi-Fi.

3 Q. Do you have a MacBook or a phone?

4 A. I have a phone.

5 Q. Is that your only device that you
6 use to access the Internet?

7 A. Yes.

8 Q. While I'm thinking about it, do
9 you communicate with friends and family at
10 home?

11 A. Only family. Only my two brothers
12 and my mother.

13 Q. And do you use WhatsApp to
14 communicate with them?

15 A. I use WhatsApp.

16 Q. Did you have a phone onboard with
17 you at the time of the incident?

18 A. When this -- no, not in my pocket
19 when this happened because as per company
20 policy they're not allowed to keep mobile
21 phones on bridge.

22 Q. I just mean did you own one -- was
23 there one on the vessel?

24 A. Yes.

25 Q. Did the FBI take it away from you?

1 A. Yes.

2 Q. Have you ever gotten it back?

3 A. No.

4 Q. Did you have any other devices
5 with you other than your phone at that time?

6 A. At that time when incident
7 happened, I had --

8 Q. Again, I'm not asking about on
9 your person because you have already
10 explained that to me.

11 I mean, in your quarters, did you
12 have any other devices like laptops or iPads
13 or things of that --

14 A. I had mobile phone.

15 Q. Just the mobile phone?

16 A. Yeah.

17 Q. And they took that away from you
18 and did not give it back to you, correct?

19 A. Yes.

20 Q. All right. Any other devices?

21 A. I have laptop with me.

22 Q. On the vessel at the time of the
23 incidents?

24 A. Yes.

25 Q. Okay. Did they take that away

1 from you?

2 A. Yeah, they took it away.

3 Q. Did you ever get that back?

4 A. Yes, I got it back.

5 Q. And do you have it now? Yes?

6 A. Yeah, I have it right now. Sorry.

7 Q. So if you want to search the
8 Internet and use something other than a small
9 screen, you have a computer to use?

10 A. I have a laptop with me, but I
11 never used it since I received -- got it
12 back.

13 Q. How did you become aware that the
14 NTSB issued preliminary reports?

15 A. When NTSB was onboard, I used to
16 ask the officers that -- how do you -- "What
17 do you do? How do you go ahead with the
18 reports?"

19 And also they used to tell that,
20 "In coming days, within few months, you'll
21 have the preliminary report on the website,
22 and you can go to it."

23 Q. And what have you seen so far that
24 the NTSB has issued?

25 A. So they have -- one of the things

1 they have mentioned is the blackout happened
2 because of some loose wire in the engine
3 room. And they explained about what
4 happened -- how the ship -- I mean -- the
5 timelines they have discussed in that report:
6 When did the ship started turning to
7 starboard, what time first blackout happened,
8 what time second blackout happened, and all
9 those details.

10 Q. Do you have any reason to believe
11 that any of the information that was
12 contained in those public NTSB reports was
13 not accurate?

14 A. The deck part was pretty much
15 accurate; but regarding engine room, it's too
16 technical for me because they have used very
17 technical terms I cannot understand.

18 Q. Have you become aware at any point
19 in time that one of the reasons why the
20 second blackout occurred had to do with the
21 fuel lineup and fuel pumps that were being
22 run on the generators that were being run at
23 the time?

24 A. No.

25 Q. Do you know anything about that at

1 all?

2 A. No.

3 Q. You've never heard that before?

4 A. No.

5 Q. Me telling you that is the first
6 time you ever heard that?

7 A. Yes.

8 Q. Do you have any opinions about
9 what caused the first blackout?

10 A. I don't know what caused the first
11 blackout. I went to NTSB report. What they
12 mentioned was because of some loose wire, and
13 this is what I can recall from the report.

14 Q. Right. And by the way, I'm
15 familiar with the report. And we can all go
16 read it ourselves. My question to you is
17 about you. In your mind, apart -- let me
18 rephrase the question and back up a little
19 bit.

20 Apart from the NTSB reports that
21 you have read, have you done anything else to
22 investigate what occurred?

23 A. No.

24 Q. So you've told me so far you've
25 had some preliminary basic conversations with

1 other crew members, correct?

2 A. Yeah.

3 Q. And that didn't involve any
4 technical issues, right?

5 A. No.

6 Q. Am I right?

7 A. You're correct.

8 Q. And you've read the public NTSB
9 reports, correct?

10 A. Yes.

11 Q. You've done nothing else, correct?

12 A. Nothing else.

13 Q. You haven't read any news
14 articles?

15 Did you read any of the news
16 articles or any lawsuits that were filed in
17 this case?

18 A. No, no, no.

19 Q. No lawsuits?

20 A. No.

21 Q. You may have read some news
22 articles?

23 A. I've seen some YouTube videos.

24 Q. Is it fair to say that you do not
25 have any opinions about the cause of the

1 first blackout?

2 A. Yes, I don't have any opinions.

3 Q. You don't have any opinions about
4 the cause of the second blackout?

5 A. I don't have any opinions.

6 Q. Do you have any opinions about the
7 time frame that it took for the emergency
8 generator to start and come online to the
9 emergency switchboard panel?

10 A. I don't have any idea.

11 Q. What was your work schedule on
12 March 25th, the day before the Dali left its
13 berth?

14 A. On March 25th, since the vessel
15 was docked in Port of Baltimore, when the
16 vessel is in port, we do rotation of six on
17 and six off, and my working hours were from
18 midnight until morning 6:00. And then I
19 would go to rest from 6:00 to 12:00
20 afternoon, and from 12:00 to 1800 I was again
21 on watch. And then I would go for rest again
22 from 1800.

23 Q. And when you were on watch, were
24 you on the bridge?

25 A. I was on main deck.

1 Q. You said "main deck"?

2 A. Main deck.

3 Q. And what is the main deck?

4 A. Main deck is an area where you can
5 walk from forward to aft of the ship. You
6 can monitor, supervise the cargo operations
7 easily.

8 Q. And what was the purpose that you
9 were serving during watch?

10 A. One of the -- one of my
11 responsibilities when the vessel is in port
12 is to do cargo watches under the supervision
13 of chief officer. He gives us the day plan,
14 which gives an idea of how many bays have
15 loading on them and how many, you know, have
16 discharging on them. So I have to look as
17 everything is going as to plan. While
18 loading and discharging, there is no damages
19 done to the ship.

20 Q. And on March 25th, did you make
21 any observations that would indicate to you
22 that there were -- there was one or more
23 blackouts that occurred on that day?

24 A. I did not make any observations.
25 It was -- I got a radio call from chief

1 officer, and he stated that, "Rohit, I think
2 we have a blackout," and I was on main deck
3 at that time doing my routine cargo watch.

4 Q. When you got that call, that was
5 on a walkie-talkie?

6 A. It was a handheld walkie-talkie.

7 Q. And what did you -- let me back
8 up.

9 He told you that he thought the
10 ship suffered a blackout; is that correct?

11 A. Correct.

12 Q. Did he tell you to do anything?

13 A. After he told me that -- "Rohit we
14 have a blackout" -- I immediately
15 called -- replied him back on walkie-talkie
16 that, "Okay, sir. I should go on bridge and
17 reset the alarms."

18 To which he replied, "I'm already
19 in accommodation, and I will take care of
20 bridge. You be on the main deck."

21 Q. Did you have to do anything
22 associated with the blackouts? Reset any
23 alarms, do anything physically to any
24 equipment on the vessel?

25 A. Yes.

1 Q. What did you do?

2 A. If he would have told me that,
3 "You go on bridge, reset all the alarms," I
4 would have gone, but --

5 Q. Yeah, I don't want you to tell me
6 about what might've happened. I just want to
7 know what you actually did.

8 A. So since he was already in the
9 bridge, he took care of all the bridge
10 equipments, and he reported me back that
11 everything is back to normal, and there is no
12 shutdown of any equipment onboard -- on
13 bridge, and all the alarms have been
14 resetted.

15 Q. Did the chief officer ever tell
16 you what happened to cause the blackout?

17 A. No.

18 Q. Did you make any observations that
19 would indicate to you how many blackouts
20 occurred at that time?

21 A. No. I could not make out since it
22 was at daylight and I was on main deck.

23 Q. At any point in time between the
24 events that's you just described to me where
25 the chief officer called you on the

1 walkie-talkie and the time that you left
2 berth, when the pilot was onboard, did
3 anybody ever tell you what caused those
4 blackouts?

5 A. No.

6 Q. Did anybody ever tell you that
7 anybody had investigated the blackouts?

8 A. Nobody told me.

9 Q. Did anybody ever tell you that
10 there was or was not a problem with the
11 electrical system or any others system on the
12 vessel?

13 A. Nobody informed me.

14 Q. Did you ask anyone?

15 A. As far as I recall, maybe I met
16 with third engineer onboard, and the only
17 thing I remember he said some dampers or
18 flaps, but which part of the ship those flaps
19 belongs to I don't know.

20 Q. Do you know whether any of that
21 information that the third engineer relayed
22 to you was ever conveyed to the master or the
23 chief engineer?

24 A. I'm not aware of this.

25 Q. Did you know at the time of the

1 blackout that the master and the chief
2 engineer were not on vessel?

3 A. Yes, I'm aware they were not on
4 vessel.

5 Q. At any point in time after those
6 blackouts, did you ever discuss with the
7 master or the chief engineer that you had
8 experienced blackouts on the vessel?

9 A. I did not discuss with them.

10 Q. Were you present during any
11 discussions that anyone else had with the
12 master or chief engineer about the blackouts
13 that happened on March 25th?

14 A. No, I was not present.

15 Q. As of the time that you left berth
16 on March 26th, the voyage where the incident
17 occurred, are you aware of any information
18 that anyone ever explained in detail to the
19 master or chief engineer exactly what
20 happened?

21 A. I'm not aware of such details.

22 Q. And is it fair to say, based upon
23 what you've told me so far, that at the time
24 of the blackout on March 25th you do not know
25 what generators were being run on the vessel

1 for electricity?

2 A. Yes, sir. I did not have any idea
3 of generators.

4 Q. Speaking again generally about the
5 events that took place on the bridge after
6 the first blackout occurred and up until the
7 moment that the vessel came into contact with
8 the Francis Scott Key Bridge, are you aware
9 of any efforts undertaken by anyone on the
10 vessel to restart the main engine?

11 A. I'm not aware of it.

12 Q. Where would the main engine
13 typically be restarted from?

14 A. I don't know.

15 Q. Can it be restarted after a
16 blackout from the bridge?

17 A. From bridge, no.

18 Q. It has to be restarted down in the
19 ECR?

20 A. Yes.

21 Q. Since March 26th up until today,
22 have you ever discussed with anyone the issue
23 of whether anybody ever attempted to restart
24 the main engine?

25 A. No, never discussed.

1 Q. What needs to be done on the
2 bridge to restart the main engine?

3 A. I'm not aware of those things.

4 Q. As a navigator, is it your
5 responsibility to operate the telegraph for
6 the main engine?

7 A. Yes.

8 Q. Not necessarily all the time, but
9 that could be one of your responsibilities,
10 correct?

11 A. Yes.

12 Q. Do you know whether there is any
13 requirement to change the condition of the
14 telegraph from a forward-moving position,
15 whatever speed, to some other condition to
16 restart the main engine?

17 A. I'm not aware of it.

18 Q. Is it fair to say you don't know
19 one way or the other?

20 A. Yes.

21 Q. And who on the bridge during a
22 blackout should know what needs to be done
23 with the telegraph, if anything, to restart
24 the main engine?

25 A. If the vessel suffers any

1 blackout, the first thing we do is we call up
2 engine room and wait for the instructions.
3 They would guide us and tell us what is to be
4 done from the bridge. So we always wait for
5 the engine -- first response is to call
6 engine room and tell them.

7 Q. And during the -- from the time
8 that the first blackout occurred until the
9 time that the Dali hit the Francis Scott Key
10 Bridge, you never spoke again to anybody in
11 the ECR about starting the main engine,
12 correct?

13 A. As soon as first blackout
14 happened, I called up engine room for this
15 particular reason only, but he hang up the
16 call on me.

17 Q. Undoubtedly because he was busy,
18 correct?

19 A. Can be any reason. I don't know.

20 Q. Did you personally ever pick up
21 the phone again and call down to the main
22 engine and ask for the ECR and ask for the
23 main engine?

24 A. After that, I did not because the
25 captain called the ECR.

1 Q. How many times did you see anybody
2 on the bridge between the time of the first
3 blackout until the time that the vessel hit
4 the bridge -- did you see or overhear anyone
5 either call the ECR or receive a call from
6 the ECR?

7 A. Never received a call from ECR. I
8 called ECR once.

9 Q. And you told me about that,
10 correct?

11 A. Yes.

12 Q. Okay.

13 A. Followed by master.

14 And then after, maybe, the ship
15 had already collided with the bridge, I
16 called up engine room to tell them that we
17 have collided.

18 Q. Do I understand from your
19 testimony, though, that there was a phone
20 call before the bridge -- before the vessel
21 hit the bridge between the master and the
22 ECR?

23 A. Yes.

24 Q. Were you present for that?

25 A. Yes.

1 Q. Did you overhear it?

2 A. It was a short call same as it
3 happened with me. Like, two, three-seconds
4 call, and he hanged on up master as well.

5 Q. And can you just do the best you
6 can and describe for me what you heard the
7 master say and what, if anything, you heard
8 the person on the other end of the line say?

9 A. No. What the other person said, I
10 will never come to know. But it was a
11 short-duration call for two, three seconds.
12 I cannot recall what captain actually said
13 during those two, three seconds.

14 Q. And those are all the phone calls
15 that happened between the bridge and the ECR
16 from the time the blackout occurred until the
17 time the vessel hit the pier; is that
18 correct?

19 A. Between the first blackout and the
20 vessel hit the pier, there were two phone
21 calls made from bridge: One by me, one by
22 master.

23 Q. And you're probably figuring this
24 out, but us lawyers, we like to make sure we
25 got all the information.

1 There's no more phone calls,
2 correct?

3 A. No more phone calls.

4 Q. And you have already told
5 me -- let me make sure I'm right about this.

6 Have you already told me about all
7 of the walkie-talkie communications between
8 the master and the bosun that you could
9 recall?

10 A. You want to me to tell you?

11 Q. Did we talk about that already? I
12 think we started talking about it.

13 A. We started, but not complete.

14 Q. All right. So tell me, to the
15 best of your recollection, all of the
16 walkie-talkie communications between anybody
17 on the bridge and the bosun that occurred
18 from the time the blackout started until the
19 vessel hit the bridge. Okay?

20 A. So as soon as the first blackout
21 happened, to the best -- and I will tell you
22 to the best of my knowledge, because else I
23 have to have the VDR to actually -- but as
24 soon as the first blackout happened, captain
25 told bosun, like, "Bosun stand by. Stand

1 by." And he kept on asking -- yeah, then he
2 kept on asking bosun, "Are you there? You
3 have to stand by."

4 Q. And let me ask you, this time
5 period that you're describing to us, is he
6 speaking English or --

7 A. English.

8 Q. -- or Hindi?

9 A. English.

10 Q. Please continue.

11 A. And then at some point of time
12 after the first blackout and the vessel
13 started turning to starboard side -- so the
14 pilot commanded bosun to let go port anchor,
15 and he immediately said -- after that he kept
16 on saying -- instructing bosun to let go the
17 boat anchor, have the anchor gone, just let
18 it go. Have the anchor gone. It was, like,
19 in a loop he was telling bosun.

20 Q. And any other conversations that
21 you recall?

22 A. No. Basically regarding the
23 standing by and let go anchor. And he kept
24 on saying that, "let go anchor."

25 Q. Do you ever recall hearing the

1 bosun say anything in response?

2 A. He said something. When captain
3 said, "Stand by, bosun," he said, "Okay." He
4 acknowledged his orders.

5 And then at some point of time, he
6 said, "I cannot." And something he said
7 which I cannot -- which is hard for me to
8 figure out. I don't know what he said.

9 Q. Now, in your experience as a
10 mariner, is it fair to say that you can sense
11 when the anchor is being dropped especially
12 quickly?

13 A. Yes.

14 Q. You can feel it in the vessel,
15 correct?

16 A. I can feel the vibration and the
17 sound of it.

18 Q. So during this time period while
19 these blackouts are occurring and you're
20 hearing the communication between the master
21 and the bosun, did you sense that the anchor
22 was not being dropped?

23 A. Yes.

24 Q. And did you sense that there was
25 urgency in voices because the anchor was not

1 being dropped as directed?

2 A. Yes.

3 Q. And you mentioned that you heard
4 this order over and over again, correct?

5 A. Yes.

6 Q. And is it fair to say that the
7 issue of the anchor not being dropped on the
8 master's order was preoccupying what was
9 taking place on the bridge?

10 MR. BENNETT: Just note my
11 objection.

12 A. Can you rephrase the question in a
13 better --

14 BY MR. WALKER:

15 Q. Sure. This was obviously an
16 emergency situation, correct?

17 A. Yes, it was.

18 Q. There were things that needed to
19 be looked at and taken care of and
20 understood, right?

21 A. Yes, yes.

22 Q. In a short period of time,
23 correct?

24 A. Yes.

25 Q. And during this short period of

1 time where things needed to be addressed and
2 handled --

3 A. Uh-huh.

4 Q. -- the captain had to focus much
5 of his time on screaming about letting go the
6 anchor, correct?

7 A. Yes, yes.

8 Q. And during all that time, while
9 he's worried about getting the anchor out,
10 he's not doing other things. Can we agree?

11 MR. BENNETT: Just note my
12 objection.

13 A. He called up engine room, and,
14 yes, his main attention was to let go anchor.

15 BY MR. WALKER:

16 Q. He had to devote time during a
17 critical period to the anchor issue because
18 the anchor was not being dropped, correct?

19 A. Yes.

20 Q. And that time, all those other
21 orders that he was giving to drop the anchor
22 when it was not going was not able to be
23 allocated to other issues, correct?

24 MR. BENNETT: Just note my
25 objection.

1 A. Yes.

2 BY MR. WALKER:

3 Q. Have you told me everything that
4 you can recall about the walkie-talkie
5 communications between the master and the
6 bosun?

7 A. To the best of my knowledge, yes.

8 Q. To the best of your knowledge, did
9 anyone else on the bridge communicate with
10 the bosun?

11 A. No.

12 Q. Now, there came a point in time,
13 as I understand it from your testimony -- let
14 me rephrase that.

15 I understand from your NTSB
16 statement there came a point in time when you
17 got on the PA speaker and issued an order; is
18 that correct?

19 A. I issued an order.

20 Q. And what was that order?

21 A. I -- so I knew that it is an
22 emergency situation. And I knew that chief
23 officer is not available -- he's not forward,
24 so I just picked up the PA. And I didn't
25 know whether he was in his cabin or ship's

1 office or which part of the ship.

2 So I picked up the PA system to
3 address the urgency. And just said, "Chief
4 officer, go forward," but I might have said,
5 "Let go the port anchor," so that he get a
6 sense of urgency, and he would rush out and
7 run forward.

8 Q. And you gave that order because
9 you knew from your ability to sense what was
10 taking place at the time that the anchor had
11 not yet been dropped, right?

12 A. No. One of the reason is, yes,
13 what you're saying, but it was an emergency
14 and what I thought from my experience that
15 they should be more people on the forward
16 part of -- the forward station should be
17 occupied by as many as people as possible if
18 required.

19 Q. In the event of an emergency, it's
20 good to have extra people on the bow, right?

21 A. Yes.

22 Q. Yes?

23 A. Yes.

24 Q. As a second officer, do you get an
25 opportunity to read hand-over notes between

1 others on the vessel?

2 A. No.

3 Q. Are you aware that the master
4 issues hand-over notes every time there's a
5 change of one master to another?

6 A. Yes.

7 Q. Are you aware that every time the
8 chief engineer hands over the vessel to a new
9 chief engineer that there are hand-over
10 notes?

11 A. Yes.

12 Q. And the same thing for the first
13 officer, right?

14 A. Yes.

15 Q. Do you, as second officer, ever
16 get an opportunity to see any of those
17 hand-over notes?

18 A. I never saw them.

19 Q. No one affirmatively gives them to
20 you to read. Is that fair to say?

21 A. Yes.

22 Q. Do you know whether they are
23 available on the vessel for you to review if
24 you so choose?

25 A. I don't know about master is

1 handing over note, but chief mates and the
2 other officer I can go through -- I know
3 where the files are kept.

4 Q. And are you allowed to read them?

5 A. Yes.

6 Q. In other words, there's no
7 prohibition to a second officer reading a
8 master's hand-over notes?

9 A. No.

10 Q. So during your time on the Dali,
11 had you ever taken the time to read any of
12 the hand-over notes?

13 A. I read my hand-over notes but no
14 one else.

15 Q. Are there second officer hand-over
16 notes?

17 A. Yes.

18 Q. You received hand-over notes
19 before you -- as you joined the vessel?

20 A. After I joined Dali, yes, I
21 received onboard.

22 Q. Did you have a pre-join meeting
23 for the Dali?

24 A. Yes.

25 Q. Where did it occur?

1 A. I was in Chennai when this meeting
2 happened -- occurred. Online meeting.

3 Q. How many people were online?

4 A. To the best of my knowledge, more
5 than five.

6 Q. Was it a general pre-meeting?

7 A. It was a general pre-meeting.

8 Q. Was it specific to Dali?

9 A. No.

10 Q. There were others on the
11 pre-meeting that were not going to the Dali?

12 A. Yes.

13 Q. What was discussed during the
14 pre-meeting?

15 A. So they tell us about company
16 policies. They discuss about various
17 softwares that are used onboard
18 ship -- onboard Synergy ships, which is
19 Docmap, ShipPalm, and that's it.

20 Q. When you joined Synergy, did you
21 receive your own personal copy of the ship
22 manual?

23 A. No.

24 Q. When you joined Synergy, were you
25 directed to -- was it part of your

1 responsibilities to familiarize yourself with
2 the ship manual?

3 A. Yes, company SMS.

4 Q. SMS?

5 A. Ship manual company, SMS, yes,
6 company SMS.

7 Q. Did you receive a copy before you
8 joined Dali?

9 A. We had to go -- to online test
10 where we had to read all the company manuals,
11 and then we had to undergo a test, and we had
12 to clear it.

13 So we got a link -- I think it was
14 a one-time link sent to me. So I had to do
15 the manuals, and I had to undergo the test
16 after I read the manual, and I had to pass it
17 and report it back.

18 Q. Did you receive your own personal
19 electronic copy of those documents?

20 A. No.

21 Q. I want to make sure I understand.
22 You received a copy to study, and then you
23 were tested on it; is that right?

24 A. I received a link. You can call
25 it competency management system link, and I

1 had to click on that link. After which I
2 would -- had to enter an e-mail -- a user or
3 password. I'm telling to the best of my
4 knowledge. It happened way, way before.

5 Q. Understood. And by the way, I'm
6 not really that interested in how you
7 accessed it and more what was there when you
8 accessed it.

9 So there was a link. And you were
10 able to access it. What documents were
11 available for you to review?

12 A. Company policies like navigation
13 manual, a technical manual. All the manuals
14 which Synergy has.

15 Q. There's a lot of manuals, right?

16 A. Yes, sir.

17 Q. Were you tested on all of them or
18 just the navigational manuals?

19 A. No, no. Tested on all of them.

20 Q. When you opened that link, were
21 you able download the documents for your own
22 personal use?

23 A. I never downloaded. I am not sure
24 if I would have -- they would have come my
25 laptop. They would have downloaded. But I

1 just read them, gave my test, and reported
2 back.

3 Q. And when you joined the Dali, did
4 you get your own personal copy of those
5 documents?

6 A. No.

7 Q. Electronic or hard copy?

8 A. No.

9 Q. Were those documents available on
10 the vessel?

11 A. Yes.

12 Q. And were you expected to know
13 them?

14 A. Yes.

15 Q. That's why you were tested, right?

16 A. Yes.

17 Q. Did you ever receive any
18 Dali-specific documents before you joined the
19 Dali?

20 A. No.

21 Q. The pre-join meeting involved
22 general matters relating to the company,
23 correct?

24 A. Yes, sir.

25 Q. When you joined the Dali, did you

1 have an opportunity to meet the second
2 officer that you were relieving?

3 A. Yes.

4 Q. How long did you have an
5 opportunity to meet with him?

6 A. I came onboard and he handed over
7 to me, so handing over was roughly four to
8 five hours to the best I can recall.

9 Q. What do you do during those four
10 to five hours?

11 A. So they have hand-over notes of
12 this kind available, and he would turn each
13 and every page, go through each and every
14 line, and show me each and every equipment I
15 have, which I have to work on, any
16 deficiencies, any problems, any passwords,
17 what all reportings I have to make. He would
18 just generally give me an overview of my
19 roles and responsibilities.

20 Q. And then a set of hand-over notes?

21 A. A set of hand-over notes.

22 Q. Anything else that he'd give you?

23 A. He would hand over to me my cabin
24 keys, hospital keys.

25 Q. Anyone else?

1 A. No.

2 Q. When you're on the bridge, is
3 there -- are there any pieces of equipment
4 that indicate to you how much power you have
5 available to you?

6 A. No.

7 Q. Have you ever heard the expression
8 "cherries"? How many cherries you have?

9 A. No, never.

10 Q. Like a power indicator that
11 indicates to you how many generators are
12 online so that you can see how much power you
13 have available. Are you familiar with
14 anything like that?

15 A. ACONIS panel, we can see how many
16 generators are running, but never --

17 Q. Where is the ACONIS panel?

18 A. What?

19 Q. Where is the ACONIS panel?

20 A. On the bridge. On the bridge.

21 Q. It's -- is it behind the conn -- I
22 should say if you're standing at the conn, is
23 it front of you?

24 A. Yeah, on the right-hand side,
25 easily accessible.

1 Q. So you would be able to look over
2 to it and see how many generators you have
3 running?

4 A. Yes.

5 Q. When you left berth on March 26th,
6 were you in autopilot?

7 A. No.

8 Q. How was the conn configured? How
9 would you describe it?

10 A. It was not on autopilot. While
11 maneuvering, ship is never on autopilot. It
12 is kept on hand steering with three steering
13 motors running at all times. Autopilot -- it
14 will never be on autopilot when maneuvering.

15 Q. When it is in hand steering, is
16 there automatic follow-up? Do you know what
17 that means?

18 A. I know, but can you elaborate?

19 Q. The idea that if you turn the
20 steering wheel to 20 to port and you're
21 looking at a monitor that would indicate
22 20 degrees, if the steering wheel gets there
23 first and you stop, the rudder will go and
24 continue until it gets to 20 and then stop.

25 A. Yes.

1 Q. Is that how it operates?

2 A. Yeah, this is how it operates.

3 Q. Is there a term that you use to
4 describe that process?

5 A. You can call it "rate of turn
6 indicator" or "ROT." We call it ROT.

7 Q. And then when you're on the
8 bridge --

9 A. Or you can call it "rudder angle
10 indicator."

11 Q. I want to show you some pictures
12 of the bridge, and we'll talk about some
13 equipment. Okay?

14 A. Sure, yes, sir.

15 MR. WALKER: Can we go off the
16 record for a second.

17 THE VIDEOGRAPHER: Going off the
18 record at 11:42 a.m.

19 (A brief recess was held from 11:42
20 a.m. to 12:00 p.m.)

21 THE VIDEOGRAPHER: We are going
22 back on the record at 12:00 p.m.

23 BY MR. WALKER:

24 Q. Good afternoon, Mr. Bisht. We're
25 back.

1 I want to go through some exhibits
2 with you just so that we have in the record
3 the lay of the land, so the speak, on the
4 bridge. Okay?

5 A. Okay.

6 Q. So if we start with Exhibit 40,
7 which is the wide-angle view of the bridge.

8 Do you see that?
9 (Exhibit 40 was marked for
10 identification.)

11 A. Yes, sir.

12 MR. BENNETT: Would you just
13 mind telling the witness who took the
14 photograph, if you know.

15 MR. WALKER: This is Matterport.
16 It's a Matterport photograph. I don't
17 know who was running the Matterport.
18 I believe SEA Limited was operating
19 the Matterport, and this would've been
20 after the allision.

21 BY MR. WALKER:

22 Q. And I think if you look carefully
23 out the window in Exhibit 40, you can see
24 that there were still some pieces on the
25 bridge on the bow of the Dali.

1 Do you see that?

2 A. Yes, sir.

3 MR. WALKER: Good enough for
4 you, Bill?

5 MR. BENNETT: Yeah, thank you.

6 BY MR. WALKER:

7 Q. Do you know what Matterport is,
8 sir?

9 A. No.

10 Q. So Matterport -- just for your
11 edification, Matterport is a software
12 program. And you basically take this camera
13 that's put on the tripod. It's a digital
14 camera. You move it around locations. It
15 spins and take photographs 360 degrees, and
16 then can tie the photographs together.

17 And do you see these circles on
18 the floor of the bridge?

19 A. I see them.

20 Q. On your computer, if you click on
21 them, you can move to that location digitally
22 and then look around 360 degrees. You can
23 look up; you can look down; you can look to
24 the left or the right. And you can move
25 throughout the vessel anywhere that they did

1 this.

2 A. Okay.

3 Q. And then you can see what is at
4 that location.

5 A. Okay.

6 Q. Just a neat technology that has
7 been out for about ten years.

8 So this is just one location where
9 the Matterport equipment was set up.

10 Do you recognize this photograph
11 as depicting the bridge on the Dali?

12 A. Yes.

13 Q. Is this a fair and accurate
14 representation of what the bridge on the Dali
15 looked like after March 26, 2024?

16 A. Yes, sir.

17 Q. And, obviously, there's a wheel
18 right in the center of the bridge there,
19 right?

20 A. There is.

21 Q. Is that the conn?

22 A. Yes.

23 Q. Would you refer it -- to as the
24 conn?

25 A. Yes. In steering position.

1 Q. Steering position. And who was in
2 the steering position between the time that
3 the vessel left its berth and the time that
4 Dali came into contact with the Francis Scott
5 Key Bridge?

6 A. An able-bodied seaman was on the
7 wheel.

8 Q. And do you know his name?

9 A. His name is Rajan, R-A-J-A-N.

10 Q. And Rajan, is he still here in
11 Baltimore, or did he go back to wherever he's
12 from?

13 A. He has gone back.

14 Q. Now, I would imagine, based upon
15 what you've told me, that at different times
16 you were on different places on the bridge.

17 Is that fair to say?

18 A. Yes.

19 Q. Maybe the easiest way to do this
20 is talk about some of the things that are
21 depicted in this photograph, and then we can
22 talk about where you were at different times.
23 Okay?

24 A. Okay.

25 Q. But at the time the first blackout

1 occurred, can you tell me where you were
2 standing?

3 A. So can you see the wheel? It
4 was -- AB Rajan was standing here, and on his
5 right-hand side --

6 Q. Starboard --

7 A. On the starboard -- okay. On the
8 starboard side, I was standing.

9 Q. And the engine -- the helm?

10 A. Yes.

11 Q. And that's where -- is that where
12 you would have been standing?

13 A. Yes.

14 Q. And is that the telegraph in
15 the -- kind of the right center of the
16 photograph there?

17 A. In 41, yeah. Exhibit 41,
18 telegraph.

19 Q. The main engine telegraph?

20 A. Yes.

21 Q. Now, I'm going to give you a pen,
22 okay, and we're going to mark some of these
23 things so we can all understand later what we
24 were talking about.

25 With respect to Exhibit 41, the

1 first question I have to ask you is, is this
2 photograph and fair and accurate
3 representation of what is depicted in that
4 photograph being on the bridge of the Dali
5 following March 26, 2024?

6 A. Yes, sir.

7 Q. Can you circle for us the main
8 engine telegraph.

9 A. On this page?

10 Q. Yes, sir.

11 And just draw a little line off of
12 that and put the letter "A." So we'll know
13 on the record that what you've designated
14 letter "A" is the main engine telegraph.
15 Correct?

16 A. Okay.

17 Q. Now, when the helmsman is making
18 steering changes, where would he look to see
19 the degrees that are the -- of rudder change?

20 A. So if you switch to Exhibit 42.

21 Q. And let me just start
22 preliminarily with Exhibit 42 for you.

23 Is Exhibit 42 also a fair and
24 accurate representation of the bridge of the
25 Dali, at least what is depicted in this

1 photograph?

2 (Exhibit 42 was marked for
3 identification.)

4 A. Yes, sir.

5 BY MR. WALKER:

6 Q. And that -- just for people that
7 may have not been up on the bridge, if you
8 were standing at the helm, at the wheel, that
9 would be -- what we see in Exhibit 42 would
10 be directly in front of you and up above the
11 windows, correct?

12 A. Correct.

13 Q. Okay. And so this would have been
14 right in front of your view, correct?

15 A. Correct.

16 Q. And so can you circle for me the
17 rudder indicator that is depicted in
18 Exhibit 42.

19 And maybe just put a "dash R"
20 there?

21 A. R?

22 Q. "R" for rudder.

23 Now, that device that you just
24 circled, the rudder indicator in Exhibit 42,
25 does that tell you that position of the

1 rudder at the moment you're looking at it?

2 A. Yes. And in addition to this, if
3 you go to Exhibit 41, right in front of
4 wheel, can you see "EMERGENCY STEERING
5 CARRIED OUT"?

6 Q. Yes. So in front of the wheel,
7 there's a -- it looks like piece of tape that
8 says "EMERGENCY STEERING CARRIED OUT ON,"
9 correct?

10 A. Yes, correct.

11 Q. And just between the wheel and
12 those words is a small screen, correct?

13 A. Yes, sir.

14 Q. And to the -- whoever was taking
15 this photograph, closest to the photographer,
16 there's a little knob there, correct?

17 A. That's correct.

18 Q. So on the port side of that knob
19 is a small screen. It's kind of hard to see
20 here, correct?

21 A. Yes.

22 Q. And when the helmsman is making
23 course changes, that screen depicts the
24 rudder angle change; is that correct?

25 A. That depicts the amount of rudder

1 he has given. For example, if he has given
2 port 5, so he would actually move the wheel
3 to port 5. He would look into the screen on
4 Exhibit 41 and a cross-confirmation can be
5 made with the photograph which has been
6 marked with letter "R" on Exhibit 42.

7 Q. So let's go to 41 and circle the
8 screen that's depicted there.

9 (Exhibit 41 was marked for
10 identification.)

11 A. On 41?

12 BY MR. WALKER:

13 Q. Exhibit 41.

14 And we'll put --

15 A. R1?

16 Q. R1. RI. How about rudder
17 indicator, RI?

18 A. I?

19 Q. R as in "Robert." I as in
20 "igloo."

21 And when you were standing next to
22 the helmsman and he was making course
23 changes, were you able to see that screen?

24 A. I was able to see the screen which
25 is on Exhibit 42.

1 Q. So you're talking about the rudder
2 indicator that is forward of the helm,
3 correct?

4 A. Yes.

5 Q. Up above the windows?

6 A. Above the windows, right.

7 Q. Were you able to see the screen
8 that you circled for me on Exhibit 41?

9 A. On that day, no, I did not saw his
10 commands on this wheel, but I made sure.

11 Q. Do I understand correctly that
12 part of your responsibilities during the time
13 that the vessel left berth until it hit the
14 bridge, was to watch the helmsman and ensure
15 that he executed on commands given by either
16 the pilot or the master properly?

17 A. Yes, one of my duties was this.

18 Q. So that in the event that the --
19 for example, the pilot called for 20 degrees
20 to port, one of your responsibilities was to
21 make sure that the helmsman turned to wheel
22 to port?

23 A. That's correct.

24 Q. And then stopped at 20, correct?

25 A. Correct.

1 Q. Did you do that?

2 A. In my case, I never had to
3 interfere or cross-check him. I mean, he
4 executed the command properly. So I was
5 monitoring, and he was following what the
6 pilot was saying.

7 Q. And that's exactly what I was
8 asking you. Did you execute on your job
9 watching the helmsman and see him execute the
10 commands that the master or pilot gave?

11 A. Yes, sir.

12 Q. And did he do that properly at all
13 times?

14 A. He did properly at all times.

15 Q. So just to make sure we're on the
16 same page, at no point from the time the
17 vessel left its berth until it came into the
18 contact with the bridge did you ever see the
19 helmsman turn the wheel the wrong way?

20 A. No.

21 Q. And when you saw the helmsman turn
22 the wheel in response to rudder orders, did
23 you see the rudder indicator indicate that
24 the rudder changed direction as it should?

25 A. Yes.

1 Q. Now, we talked a little bit
2 earlier, and you explained to me that you
3 understand that during a blackout, a complete
4 blackout, there is no control over the
5 rudder, correct?

6 A. Yes.

7 Q. All right. And I understand there
8 was a lot going on at that time.

9 Do you recall any occasions when a
10 rudder order was given, the helmsman executed
11 on the rudder order, and you did not see the
12 rudder respond?

13 A. No. Rudder always responded to
14 what helmsman gave.

15 Q. Did you note any observations
16 during the blackout periods that the rudder
17 was responding more slowly than others?

18 A. No. I cannot recall at this time
19 that.

20 Q. And just to loop this around, we
21 talked earlier about how when the emergency
22 generator is on, you have one steering gear,
23 correct?

24 A. Low-speed steering gear.

25 Q. And when you have -- when you're

1 not in a blackout condition and you're
2 running under normal generator power, you
3 have all three, correct?

4 A. All three.

5 Q. And the rudder will move much more
6 quickly with three steering-gear pumps than
7 with one on emergency generator running
8 slowly, correct?

9 A. Yes, sir.

10 Q. Did you make any observations
11 while you were on the vessel that led you to
12 believe that you were on emergency generator
13 power and the rudder was moving more slowly
14 than it would otherwise move?

15 A. Apart from this day on the 26th
16 you are talking?

17 Q. Yes.

18 A. Yes. We used to carry out --

19 Q. No, no. I'm sorry.

20 On March 26th, during the
21 blackout, did you happen to notice at all in
22 response to any rudder commands that when the
23 command was executed that the rudder appeared
24 to be responding very slowly on the
25 indicator, indicating to you that perhaps you

1 were on emergency generator power?

2 A. No.

3 Q. Are there any other devices on
4 the -- any other technology on the bridge
5 that would tell you what the rudder is doing
6 at any given time other than the devices that
7 we've talked about?

8 A. Yes. If you switch to Exhibit 42,
9 and starting from left, if you are on the
10 third equipment, which is rate of turn
11 indicator -- this is the one I'm talking
12 about.

13 Q. Can you circle that for us.

14 A. Yes.

15 Q. And put maybe "ROT." And that'll
16 mean "rate of turn."

17 A. Rate of turn indicator.

18 Q. Okay. And what does the rate of
19 turn indicator tell you during rudder course
20 changes?

21 A. So when a helmsman gives rudder to
22 either port side or starboard side, this rate
23 of turn indicator will tell you at what
24 degrees per minute the vessel is changing its
25 heading, how far the vessel is changing its

1 heading.

2 Q. Okay. And so that's more of a
3 heading indicator change than a rudder
4 indicator change, correct?

5 A. It's more of how quickly the
6 heading is changing, I mean, how much time
7 will it take.

8 Q. Are there any other devices, any
9 other technology on the bridge that indicates
10 the angle of the rudder or its rate of change
11 during either execution of a command or as
12 the rudder is changing?

13 A. No.

14 Q. Where is the bow thruster located?

15 A. Bow thruster is located on the
16 forward part of the ship below the waterline.

17 Q. You can't set that here, can you?

18 A. You cannot see.

19 Q. In any of these photographs?

20 A. No.

21 Q. Who was in charge of operating the
22 bow thruster between the time that you left
23 berth and the time of the allision?

24 A. There is no specific
25 responsibilities given to operate bow

1 thruster. You can call it "bridge team" was
2 responsible to open the bow thruster because
3 either it is being operated by captain or
4 sometimes pilot. Not every time. Sometimes
5 me, the duty officer.

6 Q. Do I understand correctly that
7 during departure, there was a time when the
8 bow thruster command was moved out to the
9 wings of the vessel where it was operated by
10 someone other than you?

11 A. That's correct.

12 Q. So putting that aside and talking
13 only about the time frame from the first
14 blackout until the vessel hit the bridge, who
15 had any command of the bow thruster during
16 that time?

17 A. Either the captain or myself.
18 Anyone who is standing close to bow thruster
19 can give the bow thruster movements.

20 Q. During that time period that we
21 are discussing, from the first blackout until
22 the allision occurred, did the captain ever
23 go forward to where the bow thruster is
24 located?

25 A. To forward station?

1 Q. To the bow thruster?

2 A. Bow thruster panel?

3 Q. Yes.

4 A. On bridge?

5 Q. Yeah. And maybe I was making
6 assumptions. Let me back up and clarify.

7 When the blackout started, where
8 was the captain standing?

9 A. Just behind the helmsman.

10 Q. Behind the conn, correct?

11 A. Behind the conn.

12 Q. And the bow thruster is forward of
13 the conn, correct? Down low? That's what
14 you described?

15 A. No. Let me tell you. Can you
16 see --

17 Q. Can you explain -- can you use
18 Exhibit 40 and explain to us where the bow
19 thruster is?

20 A. Exhibit 40, if you go and -- if
21 you see two telephones on --

22 MR. DUFFY: And just to
23 interrupt, Larry. I think he's
24 getting confused about talking about
25 the location of the actual bow

1 thruster and the control for the bow
2 thruster.

3 (Simultaneous unreportable crosstalk.)

4 A. You can call it like "master
5 control panel" or -- where the bow thruster
6 is?

7 BY MR. WALKER:

8 Q. Yes, sir. I'm sorry. I'm on the
9 bridge, like, in my mind, so let me clarify.

10 A. Okay.

11 Q. I'm talking about the controls for
12 the bow thruster.

13 A. Okay.

14 Q. I understand the bow thrusters
15 themselves are in the bow. Okay?

16 So I'm trying to find out from you
17 where the controls of the bow thruster are.

18 A. Okay. If you go to Exhibit 40,
19 4-0, you can see two black telephones.

20 Q. Yes.

21 A. And just next to the telephone is
22 the bow thruster control panel.

23 Q. Can you circle that for us and
24 draw a line and put "BT," B as in "boy," T as
25 in "Tom."

1 So did there come a point in time
2 between the first blackout and the time when
3 the Dali came into contact with the Francis
4 Scott Key Bridge that you moved from being on
5 the starboard side of the helmsman to the
6 port side of the helmsman near the bow
7 thruster controls?

8 A. Yes.

9 Q. And is it fair to say that once
10 you moved to where the bow thruster controls
11 are that someone else now must be in charge
12 of the main engine telegraph?

13 A. Yes.

14 Q. Where was the pilot when the first
15 blackout occurred? On the bridge, where was
16 he?

17 A. So if you go to Exhibit 40, can
18 you see the chair on the bridge?

19 Q. Yes.

20 A. So one of the pilot was stationed
21 on this side of the bridge. There are two
22 sides. So one of the side is BT -- he can
23 either stand here or he can stand here.

24 Q. You're talking about on the port
25 side of the conn or the starboard side of the

1 conn?

2 A. Starboard side of the conn. So
3 one of the pilot was stationed --

4 Q. What I was saying was you pointed
5 once to the port side of the conn and once to
6 the starboard side, correct?

7 A. Yes, sir.

8 Q. So the pilot, not the trainee.
9 Where was the pilot standing when the first
10 blackout occurred?

11 A. He was switching his positions
12 between the gyro repeater. I have to show
13 you on the photograph. If you go to
14 Exhibit 40 and on the window you see a
15 cardboard over here?

16 Q. Yes. Okay.

17 A. So to reach at this position, you
18 have to go across the main panel of the
19 bridge, and you have to -- so he was setting
20 up his iPad or laptop, and he was switching
21 his positions from that position to the
22 right-hand side of the helmsman.

23 Q. And where was the pilot trainee?

24 A. He was at the position where the
25 chair is right now, to the right-hand side of

1 the helmsman.

2 Q. And did he remain there during the
3 entirety of --

4 A. They were switching positions,
5 like going forward and coming up.

6 Q. They moved around the bridge?

7 A. They moved around the bridge.

8 Q. How long after the initial
9 blackout did you first begin to notice that
10 the vessel was turning to starboard?

11 A. Approximately two minutes, one and
12 a half or two minutes.

13 Q. Into the first blackout?

14 A. After the first blackout.

15 These are just approximate
16 timings, and --

17 Q. I understand, and we'll listen to
18 the VDR. And as I explained to you earlier,
19 if you hear something in the VDR when we're
20 talking and you want to tell me that that
21 time changed, you'll do it, right?

22 A. Yes, sir.

23 Q. There were several course changes
24 that were ordered after the first blackout
25 occurred, correct?

1 MR. BENNETT: Just note my
2 objection.

3 A. I cannot recall. Yeah, I cannot
4 recall.

5 BY MR. WALKER:

6 Q. Do you recall the master or the
7 pilot calling for port rudder?

8 A. After the blackout?

9 Q. After the blackout?

10 A. Yes, sir.

11 Q. And we discussed this. The
12 helmsman made those course changes?

13 A. Yes.

14 Q. Did the vessel respond?

15 A. No.

16 Q. Do you have any opinions about why
17 the vessel did not respond to the rudder
18 changes that were executed by the helmsman?

19 A. No, no opinions at all.

20 Q. Have you discussed that issue with
21 any of your crewmates?

22 A. No.

23 Q. Can you tell me how it is supposed
24 to happen on the bridge when the pilot is
25 onboard and there is a command given by the

1 pilot to make a rudder change. And what I
2 mean by that is when the pilot calls for, for
3 example, 20 degrees to port, what is the
4 practice that you believe should happen at
5 that time? The pilot verbalizes it. Should
6 the master repeat that, and then the helmsman
7 repeat it again? Is that how it should
8 happen?

9 A. If the pilot commands any order,
10 for example, 20 degrees to port side or
11 starboard side -- let's take port side -- he
12 says, "I want 20 degrees on port side."

13 To this, the helmsman would say,
14 "20 degrees on port side, sir," and then he
15 would turn his wheel to 20 degrees port side.
16 Once he confirms and visually sees it's
17 20 degrees port side, he would then say,
18 "Wheel on 20 degrees port side, sir."

19 Q. So is it fair to say, then, with
20 every command by the pilot, there should be a
21 total of four -- something's been verbalized
22 four times?

23 A. Yes.

24 Q. Once by the pilot, once by the
25 master --

1 MR. BENNETT: Objection.

2 MR. WALKER: Obviously, I'm not
3 getting it right.

4 BY MR. WALKER:

5 Q. So let's go through again because
6 maybe I didn't hear you.

7 MR. BENNETT: Read his answer.

8 A. The first audible will be given by
9 the pilot. He will just say, "20 degrees on
10 port side," to which the helmsman will repeat
11 his order, "20 degrees on port side, sir,"
12 and then he would execute his order by
13 turning the wheel to 20 degrees to port side.

14 Once he confirms visually with the
15 panel with the indicators he has right in
16 front of him and right below his eyesight,
17 and he would tell the pilot that, "20 degrees
18 on port side. Wheel on 20 degrees on port
19 side, sir."

20 BY MR. WALKER:

21 Q. So it's verbalized three times:
22 Once by the pilot and twice by the helmsman?

23 A. Yes.

24 Q. In your experience, does the
25 master repeat the pilot's commands?

1 A. He can. If the helmsman is not
2 able to understand his command properly, the
3 master would again cross-check with the pilot
4 and would then tell the helmsman again.

5 Q. Can you tell me? Was there -- do
6 you recall whether things happened uniformly
7 on the bridge between the first blackout and
8 the time that the Dali hit the Francis Scott
9 Key Bridge. At all times, was any rudder
10 commands as you described them, first by the
11 pilot and twice by the helmsman?

12 A. Yes. It happened the same way.

13 Q. And as we talked about earlier,
14 when we listen to the VDR, we should be able
15 the recognize voices, correct?

16 A. Yes, sir.

17 Q. You should be able to describe for
18 me who's talking at what time, right?

19 A. Yes.

20 Q. Have you ever heard your own voice
21 on tape recorder or VDR?

22 A. On ship, I have. Once I played
23 the VDR.

24 Q. Do you recognize your own voice on
25 an audiotape?

1 A. Yes. When I will -- when you will
2 hear my voice, I can tell you it is me.

3 MR. WALKER: Now is a good time
4 for a break. Let's take a lunch
5 break, and then we'll come back and
6 we'll go over the VDR.

7 THE VIDEOGRAPHER: Going off the
8 record at 12:28 p.m.

9 (A lunch recess was held from
10 12:28 p.m. to 1:42 p.m.)

11 THE VIDEOGRAPHER: We are going
12 back on the record at 1:42 p.m.

13 BY MR. WALKER:

14 Q. Good afternoon, Mr. Bisht.

15 A. Good afternoon, sir.

16 Q. As I promised at the beginning of
17 the deposition, every time I take a break, I
18 try to offer you the opportunity to tell me
19 if there's anything that we've talked about
20 so far today that you would like to discuss
21 and either clarify or expand upon. Is there
22 anything we've talked about you'd like to
23 discuss further?

24 A. No. Everything is fine.

25 Q. So what I'd like to do to start

1 the afternoon off is I'd like to play some of
2 the audio from the bridge. And we have tried
3 to transcribe what we believe we hear on it.
4 So I put that in front of you as Exhibit 51.

5 (Exhibit 51 was marked for
6 identification.)

7 A. Okay.

8 MR. WALKER: So for Josh -- off
9 the record for a second.

10 THE VIDEOGRAPHER: Off the
11 record at 1:43.

12 (A brief recess was held from
13 1:43 p.m. to 1:44 p.m.)

14 THE VIDEOGRAPHER: We're going
15 back on the record at 1:44 p.m.

16 BY MR. WALKER:

17 Q. So what we've done is try to
18 transcribe what -- what we believe we hear on
19 the audio files. And what I'd like to do is
20 play the audio for you. I have not only a
21 speaker front of you so that you can listen,
22 but there's also a set of headphones for you
23 to put on if you'd like to hear better, so
24 you don't hear any background news.

25 A. Okay.

1 Q. My intention is to play small
2 clips to get through the four or five minutes
3 from just before the blackout occurred until
4 the allusion is heard on the audio.

5 A. Okay.

6 Q. And then during that time period,
7 I'm going to ask you a series of questions.
8 So that you know in advance what I'm going to
9 be asking you, the questions are going to
10 involve who you hear speaking, what voices do
11 you recognize, because part of the questions
12 I'm going to ask you are going to be who is
13 speaking at what time and what you hear being
14 spoken. And we may take some breaks and
15 discuss what's going on at that moment in
16 time. Okay?

17 A. Okay.

18 Q. You may want to hear these clips
19 multiple times. I'll play them for you
20 multiple times, and we'll just -- it's a
21 little clunky, but we'll try to work through
22 it. Okay?

23 A. Okay.

24 MR. WALKER: So what I've done
25 -- just for the record, these clips

1 will be marked and they'll be
2 produced. They're obviously not
3 being -- they can't be broadcast, but
4 you will all be able to hear the
5 audio.

6 Madam Court Reporter, should we
7 put a mic near the -- perfect. Thank
8 you.

9 And what I have are exhibits
10 that are marked 43 through 50. They
11 are digital audio files. There are
12 four digital audio files that
13 represent the mic designated on the VR
14 as "A1," and there are four two-minute
15 audio files that represent the mic
16 that was labeled on the VDR as "A2."
17 And they're two-minute clips.

18 (Exhibit 43-50 was marked for
19 identification.)

20 BY MR. WALKER:

21 Q. So Exhibit 43 is two minutes
22 beginning at 5:24:00, and it runs 5:25:59.
23 And the reason we did that, so that you can
24 all follow along, is because -- the clips
25 will start on 00 so that when we are one

1 minute into the clip, you'll be exactly one
2 minute beyond the start time of the UTC
3 designation of the audio file. So when we
4 are one minute in of the first clip, it will
5 be exactly 5:25 UTC time.

6 A. Okay.

7 Q. And when you're a minute and 30
8 seconds in, you're a minute and 30 seconds
9 after 5:24. So forth and so on. Okay?

10 A. Okay.

11 Q. Do you understand?

12 A. Yes, sir.

13 MR. BELKNAP: Can you just
14 identify which are the A1 and which
15 are the A2 so the record is clear?

16 MR. WALKER: Yeah, so if --
17 Exhibit 43, 44, 45, and 46 are all A1,
18 and 47 through 50 are A2, and they're
19 labeled electronically that way. So
20 when you receive them all, you'll see
21 that, you'll see how it's labeled.
22 And the times are labeled on the
23 electronic as well.

24 So you'll see that the exhibit
25 will say EX43 for the exhibit number,

1 A1, and then it says 5:24:00 to, the
2 letter T-O, 05:25:59, and that's a
3 two-minute clip.

4 And then the second one will
5 pick up at the next second, and so
6 forth and so on. Everybody will get
7 copies later this week or tonight
8 and -- first opportunity I get to send
9 them to the group.

10 BY MR. WALKER:

11 Q. You may wish to listen to them
12 multiple times, and the questions are going
13 to be fairly simple. Follow along with the
14 transcript. And the first question I'm going
15 to ask you is if you hear what the transcript
16 says. If you don't hear what is written in
17 the transcript, you'll tell me, and I'm going
18 to ask you what you read -- or what you hear.

19 Okay?

20 A. Okay.

21 Q. And we'll go from there.

22 Does that sound fair?

23 A. Yes, sir.

24 MR. WALKER: Josh, can you put

25 51, which is -- I believe it's W. Can

1 you double-check? It should be a
2 transcript.

3 DOC TECH: Yes, I believe it's
4 W.

5 MR. WALKER: Thank you.

6 BY MR. WALKER:

7 Q. Mr. Bisht, so what I'm going to do
8 when we start is to start this first audio
9 file, which is Exhibit 43.

10 A. Okay.

11 Q. I'm going to start it as 00, which
12 means that it is 5:24:02 -- well, 5:24 is
13 going to be this UTC time according to the
14 VDR data. Okay?

15 A. Okay.

16 Q. And I'll represent to you that the
17 first sound I believe you will hear of the
18 blackout is an alarm audible.

19 A. Okay.

20 Q. It's 59 seconds, so 59 seconds
21 later. So I am just going to let you hear
22 the first so you can build your way into
23 this. Okay?

24 A. Okay.

25 Q. And then I'm going to go about

1 20 seconds after that, and then
2 we'll -- you'll tell me whether you want to
3 listen to it again. I'll let you listen to
4 it again, and then we'll go over it. Okay?

5 A. Okay.

6 (Audio played.)

7 (Technical interruption.)

8 BY MR. WALKER:

9 Q. All right. So now that we've
10 turned on the speaker, I'm going to start
11 playing again from 00. Okay?

12 A. Okay.

13 (Audio played.)

14 Q. So I stopped it at a minute 18.
15 And what I'm going to do is go back and play
16 about -- again, for you to listen to it from
17 where the alarm audio starts. Okay?

18 A. Okay.

19 Q. What I would like you to do is
20 look at the transcript from when the alarm
21 audio starts up to about 5:25:18 and follow.
22 Okay?

23 A. Okay.

24 (Audio played.)

25 Q. So first question I have for you

1 is during that time period after the first
2 alarm audio started, whose voices did you
3 hear?

4 A. Captain, pilot, and helmsman.

5 Q. If we pick up on the transcript at
6 5:25:59, where it says alarm audible, and we
7 go from there, did you hear someone say
8 "Hello" after audible?

9 A. Uh-huh.

10 Q. Yes?

11 A. Yes, I heard. I'm sorry.

12 Q. That's all right.

13 And then next did you hear someone
14 call for "Bosun, bosun"?

15 A. Yes.

16 Q. And who was that?

17 A. Captain.

18 Q. And after that, there were some
19 words in the transcript. What did you hear
20 at this moment in time?

21 A. He said, "Bosun, bosun. (In
22 Hindi)," which means -- he said in Hindi,
23 which means "Are you forward, right -- you're
24 forward, right?"

25 Q. And that's at approximately

1 5:25:11?

2 A. Yes, sir.

3 Q. And then did you hear the pilot at
4 5:25:14 say, "Do we have steering?"

5 A. Yes.

6 Q. And what did you hear after that?

7 A. Pilot, he said, "Do we have
8 steering," in a loud voice.

9 And to which the captain
10 interrupted, and he asked the helmsman, "Do
11 we have steering?"

12 And to which the helmsman said,
13 "Yes, yes, yes, we have."

14 Q. And then at 5:25:17, says, "Yes,
15 yes, yes. Okay."

16 Did you hear that?

17 A. He is -- the helmsman telling both
18 of them, "Yes, I have steering."

19 Q. Okay.

20 And 5:25:18, who is saying,
21 "Bosun. Come in, bosun"?

22 A. Captain.

23 Q. And did you hear that?

24 A. Yes.

25 Q. Let's play from there, we'll play

1 like another -- I'll play up to about

2 5:25:30. And you listen. Okay?

3 A. Okay.

4 (Audio played.)

5 Q. Okay. It went a little bit
6 further there. Let me go back again and let
7 you listen again. Okay?

8 A. Okay. I have one question. Have
9 you suppressed the background alarms and
10 magnified the audio of the individuals?

11 Q. I don't believe this is filtered.
12 You know what? I'm sorry. It does say
13 filtered.

14 A. This is not the --

15 Q. There's more noise in the
16 background from what you remember?

17 A. The alarm noise should be louder
18 than the people talking.

19 Q. This is filtered to take that out
20 to make it easier for you to understand the
21 words that are being spoken. Okay?

22 A. Okay.

23 Q. And it says that on the electronic
24 copy, underscore FILT.wav, indicating it's
25 filtered. Okay?

1 A. Okay.

2 MR. BENNETT: Just for counsel,
3 can you tell us who did the filtering?

4 MR. WALKER: DRE, I believe.

5 MR. BENNETT: Just note our
6 objection to all of the audio files
7 being introduced as evidences.

8 MR. WALKER: What's the
9 objection?

10 MR. BENNETT: Potentially
11 corrupted if someone altered the
12 audio.

13 BY MR. WALKER:

14 Q. I'm going let you listen again.
15 (Audio played.)

16 Q. So picking up from where we left
17 off.

18 A. Yes, sir.

19 Q. At about 5:25:20 --

20 A. Yes, sir.

21 Q. -- did you hear someone say,
22 "141"?

23 A. Yes.

24 Q. And who was that?

25 A. Pilot, instructing helmsman to do

1 141 course.

2 Q. And do you, based upon your
3 experience, understand that to be an order to
4 change course? Let me rephrase the question.

5 Do you understand that, based on
6 your experience, to be an order to the
7 helmsman to make a rudder change?

8 A. Depends on which part of channel
9 we are. Not necessarily. He will give the
10 heading or the course directly. He would
11 say, "Starboard 20," or "Port 20."

12 Q. At this point in time, based upon
13 your recollection, was there any indication
14 that the vessel was veering off to starboard
15 by now?

16 A. No. She was in the middle of
17 Fort McHenry Channel.

18 Q. Based upon that, do you believe
19 this is just an order from the pilot
20 indicating to the helmsman that he should
21 keep a 141 course?

22 A. That's correct.

23 Q. And the helmsman responded by
24 reiterating that at 5:24:21?

25 A. 141, sir, he says.

1 Q. And that's the helmsman, right?

2 A. That's the helmsman.

3 Q. And the next entry is 5:25:23.

4 Did you hear, "Bosun, bosun, come
5 in"?

6 A. I heard it.

7 Q. And 5:25:25, "Just let me know if
8 you can't steer."

9 Did you hear that?

10 A. Yes.

11 Q. At 5:25:27, did you hear, "Stand
12 by. Stand by"?

13 A. Yes.

14 Q. And then there's a gap there
15 between 5:25:27 and 5:25:29 where there's
16 some Unintelligible because there appears to
17 be speaking in Hindi.

18 Did you hear it?

19 A. I have to listen to it again.
20 (Audio played.)

21 A. Back up.

22 Q. Back up?

23 A. Yeah, back up.

24 (Audio played.)

25 A. There's nothing in between when he

1 says, "Stand by. Stand by," and to which --
2 it's not transcribed here. The bosun
3 says -- he acknowledges the captain's
4 command. It is not written here.

5 Q. The bosun is acknowledging the
6 captain's command?

7 A. Yeah, before -- I believe before
8 "Stand by. Stand by," he already
9 acknowledges the captain's command.

10 Q. So on the transcript that you have
11 somewhere between 5:25:25 and 5:25:27, you
12 hear the bosun acknowledge?

13 A. Yes.

14 Q. Okay.

15 MR. BENNETT: So the transcript
16 is inaccurate is what I was -- okay.
17 Go ahead.

18 MR. WALKER: Bill, if you want
19 to put an objection, go ahead. We all
20 know they're difficult to hear, and
21 that's why we're doing this exercise
22 with the witness.

23 MR. BENNETT: The witness is
24 indicating that there was a comment
25 made on the audio which is not

1 contained on Exhibit 51, which is the
2 transcript that you provided him with,
3 correct?

4 BY MR. WALKER:

5 Q. That's what you just said, right,
6 sir?

7 A. Yes.

8 Q. That's why we are doing this
9 exercise, right?

10 A. Yes, sir.

11 Q. Thank you.

12 A. And you mentioned there was a
13 pause in between 5:25:29.

14 Q. Let's go down in order. So at
15 5:25:25, do you hear someone say: Just let
16 me know if you can't steer?

17 A. Yes, sir.

18 Q. And after that, do you hear,
19 "Stand by. Stand by"?

20 A. Yes, sir.

21 Q. And the next entries on the
22 transcript where there is some writing in
23 Hindi, and it says: Unintelligible.

24 Do you see that?

25 A. Yes.

1 Q. What do you hear during this time?

2 A. You will have to play it again.

3 (Audio played.)

4 A. He says something in -- he
5 acknowledges captain's command before, I
6 think, "Let me know if you can't steer."
7 Somewhere close to this, he acknowledges the
8 captain's command.

9 Q. So at approximately 1:26 on the
10 video -- on the audio, which is a minute and
11 26 into this, you hear the bosun acknowledge?

12 A. Yes.

13 MR. REISMAN: Is he saying that
14 he heard, or he just remembers that?
15 I may have missed it.

16 MR. BENNETT: He heard it.

17 MR. REISMAN: You heard it on
18 the audio just now?

19 THE WITNESS: You can hear it
20 right away.

21 MR. REISMAN: Okay. Thank you.

22 THE WITNESS: Anyone can hear
23 it.

24 MR. REISMAN: Thank you.

25

1 BY MR. WALKER:

2 Q. I'm going to back it up again, and
3 then we'll listen. Okay?

4 A. Yes, sir.

5 Q. And we're going to start at 1:22.

6 (Audio played.)

7 A. Can you stop? So there is nothing
8 in between -- you said at 5:25:29, there is a
9 blank.

10 Q. Well, I think -- I'm not saying
11 there's a blank. There's an entry on the
12 transcript in front of you, correct, that
13 some is written in Hindi, and it says:
14 Unintelligible.

15 Correct?

16 A. Yes.

17 Q. So the person who transcribed this
18 could not hear. But at that location, you
19 say you hear the bosun; is that right?

20 A. I said I can hear the bosun at
21 5:25:25 --

22 Q. Okay.

23 A. -- close to 5:25:25 and 5:25:27.
24 He acknowledges the captain's command.

25 Q. All right. And right after that,

1 where it says Unintelligible, can you make
2 out what is being said?

3 A. Please play it again. I have to
4 hear it multiple times to answer your
5 question.

6 Q. Of course. I will play it again
7 for you.

8 (Audio played.)

9 A. So after "Stand by. Stand by," he
10 says, "Bow stopper (in Hindi)," means, "For
11 boat anchor, you lift up the bow stopper."

12 Q. Can you say that again? I didn't
13 understand what you were telling me.

14 A. Captain says -- in English, I am
15 translating it to you. He says, "Lift up the
16 bow stopper for both the anchors."

17 Q. And he says that in Hindi?

18 A. Yes. And then he says in English
19 as well after this.

20 Q. And I will continue from there.

21 A. Yes, sir.

22 Q. So we are now up to 5:25:45; is
23 that right?

24 A. No.

25 Q. In other words, we've talked about

1 everything above that, correct?

2 A. Yes.

3 Q. "Pick up bow stopper" at 5:25:35
4 we've talked about, correct?

5 A. But bosun has acknowledged this
6 command of captain as well, which is not
7 mentioned in transcript. He says -- can you
8 play it again. I'll tell you.

9 (Audio played.)

10 A. Okay. So this is what he said,
11 "Okay. Copy, sir."

12 In the background, can you hear?
13 This is the bosun acknowledging the captain's
14 command, "Okay. Copy, sir."

15 Q. And that's at 5:25:45?

16 A. I think 5:25 -- after 5:25:35.
17 Somewhere in between.

18 Q. Somewhere in between 5:25:35 and
19 5:25:45?

20 A. Yes.

21 MR. WALKER: Make your
22 objection.

23 MR. BENNETT: No.

24 A. After the captain says in English,
25 "Pick up the bow stopper," he acknowledges

1 the captain's command, "Okay. Copy." In
2 background, you can hear very like --

3 BY MR. WALKER:

4 Q. Okay. You were there, right?

5 A. I was there.

6 Q. You were there, right?

7 A. Yes.

8 Q. You heard it with your own ears,
9 right?

10 A. I heard it.

11 Q. That's why we're here. That's why
12 we're doing this, to hear what you hear
13 because you know what you heard because you
14 were there. Okay?

15 A. Yes, sir.

16 (Audio played.)

17 Q. Do you want to listen to the last
18 end of that again?

19 A. Yes, sir.

20 Q. I will start from one -- I'm going
21 to start from 1:20.

22 (Audio played.)

23 Q. All right. So after -- I'm sorry.
24 Let me rephrase the question.

25 At 5:25:35, do you hear, "Bosun,

1 copy. Pick up bow stopper"?

2 A. Yes.

3 Q. What do you hear after that to the
4 end?

5 A. He acknowledges in the background.
6 "Okay. Copy, sir."

7 Q. The bosun?

8 A. The bosun.

9 Q. Now, I'm going to go to
10 Exhibit 44, which is also A1 mic and starts
11 at 5:26:00 and runs from 5:27:59. I'm going
12 to start over again.

13 (Audio played.)

14 Q. And I'm going to stop there, and
15 I'm at eight seconds in. I'm going to replay
16 it again. Okay?

17 (Audio played.)

18 Q. What do you hear during the first
19 eight seconds?

20 A. I'll have to listen again. Can
21 you tell me where are we right now? Which
22 part?

23 Q. Yes. You would be at the entry
24 for 5:26:02 that would start the next --

25 A. Okay.

1 Q. The tapes start at two-minute
2 intervals. So this is now starting at
3 5:26:00, and so the first entry on the
4 transcript is the first entry after 5:26:00.
5 Okay?

6 A. And before this 5:25:45, there's
7 something written in Hindi. So this is the
8 time I called up engine room. This is the
9 first time I made a call to engine room.

10 Q. Is that you speaking in Hindi at
11 5:25:45?

12 A. No. This is captain asking me,
13 "(In Hindi). What is he saying? Nothing?"

14 Means I already have made call to
15 engine room and hang up the call, after which
16 he asks me.

17 Q. The captain is asking you, "What
18 is he saying?"

19 And you answered, "Nothing"?

20 A. No. Captain says, "What is he
21 saying? Nothing?"

22 Q. Oh, captain is saying, "What is he
23 saying? Nothing?"

24 A. Yeah.

25 Q. Answering his own question?

1 A. Yes.

2 Q. Is that transcribed properly?

3 A. Yeah.

4 Q. So we're going to pick up on the
5 next exhibit, 44, which starts at 5:26:00 and
6 goes to 5:27:59. Okay? That's what we are
7 listening to now, the first eight seconds
8 where the entry -- there's an entry at
9 5:26:02.

10 Do you see that on the transcript?

11 A. Yes, sir.

12 Q. So listen and tell me what you
13 hear.

14 (Audio played.)

15 Q. So the first eight seconds in,
16 what do you hear?

17 A. I think pilot is saying something
18 I cannot make out.

19 (Audio played.)

20 Q. Again, eight seconds in, do you
21 hear someone say, "Have them shut down the
22 breaker"?

23 A. No.

24 Q. You don't make that out?

25 A. No.

1 Q. I'm going keep playing from 008.

2 So I've gone to 25 seconds now.

3 A. Okay.

4 Q. Do you want to listen to it again?

5 A. Yes.

6 (Audio played.)

7 A. Can you pause it? So at some
8 point of time, what he's saying -- the
9 helmsman is informing pilot, "Vessel is
10 swinging to starboard," which is not
11 mentioned in transcript.

12 Q. Is this in the time period here at
13 5:26:02 where there is some Hindi written in
14 the transcript?

15 A. 5:26:10.

16 Q. Okay. At around that time where
17 it says: Unintelligible, muffled, faint?

18 A. Yes.

19 Q. And what is being said?

20 A. He's informing pilot, "Vessel is
21 swinging to starboard side now."

22 Q. And who was informing the pilot?

23 A. Helmsman informing the pilot.

24 Q. So I'm going to back up to about
25 eight seconds in, and we'll play again.

1 Okay? And we'll try to pick up from there.

2 Okay?

3 A. Okay, sir.

4 Q. So I'm going to let it play this
5 time to 30 seconds in. Okay?

6 A. Okay.

7 (Audio played.)

8 Q. All right. Do you hear someone
9 call for a port 20 command?

10 A. Yes.

11 Q. And who do you hear calling for
12 that?

13 A. Pilot instructed helmsman to give
14 port 20.

15 Q. And what did you hear in response?

16 A. Pilot said, "Port," so he
17 confirmed, yes -- like, "Yes, port."

18 Q. So at 5:26:12 in the transcript,
19 do you hear, "port 20"?

20 A. Yes.

21 Q. And at 5:26:13, do you hear the
22 helmsman respond as is transcribed here?

23 A. Yes, sir.

24 Q. And then 5:26:15, do you hear,
25 "port"?

1 A. Yes.

2 Q. And do you hear the helmsman

3 respond, "Yes, sir. Port 20, sir"?

4 A. Yes, sir.

5 Q. And that's the helmsman

6 responding?

7 A. That's the helmsman responding.

8 Q. And at 5:26:17, do you hear the --

9 someone say, "Okay"?

10 A. No. I would have to...

11 (Audio played.)

12 Q. I'm going to back up to about

13 18 seconds.

14 (Audio played.)

15 Q. I'm going to back it up a couple

16 of times for you to listen.

17 (Audio played.)

18 Q. At the end there, at 5:26:28, do

19 you hear the "hello"?

20 A. Yes.

21 Q. All right. So from where the last

22 "port 20, sir," was up until the "hello" at

23 5:26:28, what do you hear?

24 A. The helmsman acknowledges, "Yes,

25 sir. Port 20." And he informs pilot.

1 And then something -- pilot is
2 maybe -- it is not -- pilot is communicating
3 with someone. I cannot make out what is he
4 talking.

5 Q. Do you hear him say, "Grab my
6 radio. Get Channel 14"?

7 A. I can understand "channel 14," but
8 the other thing I cannot.

9 Q. Okay. And did you hear him say,
10 "Grab a MacBook"?

11 A. No.

12 Q. Did he have a Mac -- like, an iPad
13 on deck with him -- on the bridge?

14 A. He had.

15 Q. And then at 5:26:28 you hear,
16 "hello"?

17 A. Yes.

18 Q. So I'm going to begin
19 playing -- I'm going to back up a little bit,
20 okay, again. And we are going start at
21 25 seconds in. Okay?

22 A. Okay, sir.

23 (Audio played.)

24 Q. Now I'm going to go back to 25 and
25 play it a couple of times for you.

1 (Audio played.)

2 Q. So picking up where we left off at
3 5:26:30, do you hear, "Is the bosun standing
4 forward?"

5 A. Yes.

6 Q. And at 5:26:31, do you hear, "Yes,
7 yes, yes"?

8 A. Yes.

9 Q. At 5:26:34, do you hear, "Are we
10 on 14?"

11 A. No.

12 Q. At 5:26:35, do you hear, "We're on
13 port 20, sir"?

14 A. No.

15 Q. At 5:26:39, do you hear, "Call the
16 mac boats. Is anybody out there?"

17 A. Yes.

18 Q. I'm going to rewind, and let's
19 listen for the -- in between where the
20 transcript says: Are we on 14? We're on
21 port 20, sir. Okay?

22 A. Okay.

23 Q. I will start at 30 seconds.

24 (Audio played.)

25 A. Okay. Now.

1 Q. So now I played that clip a couple
2 of times for you. What do you hear a during
3 that time frame 5:26:34 to 35?

4 A. "Are we on 14," I cannot make out.

5 But "We are on port 20, sir," this
6 is the vessel helmsman, which he tells the
7 pilot when -- he is actually on port 20, so
8 he's kind of telling him.

9 And "Call the mac boats. Is there
10 anyone out there?" This is the pilot talking
11 to someone.

12 Q. Interesting. All right. So we'll
13 pick up from there. And go another
14 20 seconds. Okay?

15 A. Yes, sir.

16 (Audio played.)

17 Q. So we are going to go up to
18 about -- we'll go up to about five -- just
19 after 5:27:04. Okay?

20 A. Okay.

21 (Audio played.)

22 Q. Go back to 39 and play it again
23 for you to listen. Okay?

24 A. Okay.

25 (Audio played.)

1 Q. Okay. So picking up at 5:26:47,
2 do you hear, "Eric, it's the Dali. I need
3 you over here quick"?

4 A. I heard this.

5 Q. What's that?

6 A. I heard pilot telling Eric -- Eric
7 McAllister is the tech's name. So he's
8 calling Eric McAllister.

9 Q. And he continues and says,
10 "I'm -- uh -- we just lost power."

11 Did you hear that?

12 A. Yes.

13 Q. And then did you hear, "Entering
14 seagirt"?

15 A. No.

16 Q. And at 5:26:55, do you hear,
17 "Okay. I'll -- I'll be right there"?

18 A. I heard that.

19 Q. At 5:26:57, do you hear someone
20 speak Hindi?

21 A. No.

22 Q. Do you hear anything that you see
23 in the transcript at that time?

24 A. I could not hear: What? What?
25 In a minute. I could not hear this.

1 Q. At 5:27, do you hear, "Forward,
2 stand by"?

3 A. Yes.

4 Q. At 5:27:02, do you hear, "Port
5 anchor. Two shackles, please"?

6 A. Yes.

7 Q. Okay. Is that the first time that
8 anyone called for the anchor to be dropped?

9 A. As per transcript, yes.

10 Q. As per your recollection, is this
11 transcript consistent with your recollection
12 in terms of someone asking for the port
13 anchor to be dropped?

14 A. I cannot remember these -- these
15 much minor details now. I cannot remember
16 this many minor details now, but what I
17 remember is "Stand by" and "Let go." And,
18 again, there was a lot of communication going
19 on in between, so...

20 Q. But what you're hearing right now,
21 it's an actual audio transcript of the
22 bridge, correct?

23 A. Yes.

24 Q. And you heard the first sounds of
25 an alarm when the blackout occurred, right,

1 the first blackout occurred, correct?

2 A. Yes, sir.

3 Q. Until now, have you heard any
4 order to drop the anchor?

5 A. No.

6 Q. Is the 5:27:02 the first order
7 that you heard to drop the anchor?

8 A. Can you play that again.

9 (Audio played.)

10 A. Yes. "Port anchor. Two shackles,
11 please." It is the pilot telling the
12 captain.

13 And in between, you can hear the
14 public address system making some sound. It
15 is me making an announcement on the PA system
16 to chief officer to proceed forward and drop
17 the anchor. It is not mentioned here.

18 BY MR. WALKER:

19 Q. Do you hear that on the tape?

20 A. Yes. You can rewind it.

21 Q. Tell me -- so when that starts, I
22 want to you to tell me, and I'm going to stop
23 the tape, and I'll indicate to you where
24 the -- what the time is. Okay?

25 A. Okay.

1 Q. So I'm going to back up to 55.

2 A. Okay.

3 Q. All right. And you'll tell me
4 when you start to hear the PA system,
5 correct?

6 A. Okay.

7 (Audio played.)

8 A. So just before captain says,
9 "Forward, stand by" -- I mean, one second
10 before, I made a PA system.

11 BY MR. WALKER:

12 Q. Okay. Is that -- where there's an
13 entry here that says 5:26:57, is that
14 approximately right there?

15 A. It can be, yeah.

16 Q. So there's an entry there, and you
17 believe that's around the time that you made
18 a PA system announcement?

19 A. Yes.

20 Q. And what was the announcement?

21 A. Maybe "Chief officer, stand by."

22 If I hear it, I can tell you.

23 (Audio played.)

24 A. "Chief officer, stand by.

25 Forward" is for sure, but something I said

1 maybe "emergency" or -- I cannot hear it
2 properly.

3 Q. Sure. And putting aside the tape,
4 does any of this that you're hearing and
5 seeing refresh your recollection about what
6 you may have said at that moment in time?

7 A. Yes.

8 Q. What did you say?

9 A. "Chief officer, proceed forward"
10 or "Chief officer, just go forward."

11 Q. And I'll continue to play this,
12 and we'll play it through the "Port anchor.
13 Two shackles," and then we'll play it out
14 20 seconds or so. Okay?

15 A. Yes, sir.

16 Q. So starting at 1:05 on the
17 Exhibit 44.

18 (Audio played.)

19 Q. So I went to 1:30. Do you want me
20 the back up again?

21 A. Can you play from 5:27:00

22 "Forward, stand by."

23 Q. 5:27:00.

24 (Audio played.)

25 Q. So picking up after 5:27:04, do

1 you hear at that time "Port 20, sir"?

2 A. Yes.

3 Q. Okay. And then 5:27:05, do you
4 hear, "Forward, let go port"?

5 A. Yes.

6 Q. What does that mean?

7 A. Let go port anchor.

8 Q. Is that the second command that
9 you've heard so far to drop the anchor?

10 A. Yes, sir.

11 Q. And at the same time stamp on the
12 transcript, there's another entry of Forward,
13 and then in brackets it says: Midport
14 quarter.

15 Do you see that? Do you hear
16 anything at that time?

17 A. No. I mean, "Forward, midport
18 quarter," there is no such term used onboard.
19 It doesn't make --

20 Q. At 5:27:07, do you hear, "Forward,
21 let go port anchor," again?

22 A. Yes.

23 Q. Is that the third command you hear
24 for dropping the anchor?

25 A. Yes.

1 Q. 5:27:10, do you hear, "Guys"?

2 A. No.

3 Q. At 5:27:11, do you hear, "Make a
4 security call"?

5 A. I hear.

6 Q. Who is speaking?

7 A. Pilot is making a security call to
8 the outside authorities, outside persons.

9 Q. And when we talked about the two
10 anchor commands at 5:27:05 and 5:27:07, whose
11 voice did you hear?

12 A. Captain's.

13 Q. At 5:27:12, did you hear, "Yep"?

14 A. No.

15 Q. At 5:27:14, did you hear, "Let go
16 port anchor, AB"?

17 A. No.

18 Q. I'm going to back up to --

19 THE WITNESS: Can I use those?

20 MR. DUFFY: Can he use those?

21 BY MR. WALKER:

22 Q. Of course. That's why they're
23 there. They're for you. I'll warn you in
24 advance. They're loud. I'll tell you what.
25 I'm going to back up about 40 or 50 seconds,

1 and then you can adjust them on your ears.

2 Don't press them against your ears. You'll

3 figure it out is all I'm warning you in

4 advance. They're loud if you put them on.

5 Okay?

6 A. Okay.

7 Q. So I'm going to start at one

8 minute into Exhibit 44, which is 5:27. Okay?

9 A. Okay.

10 (Audio played.)

11 Q. Are the headphones better for you?

12 A. It's good, yeah.

13 Q. So let's pick back up at 5:27:05.

14 Do you hear the let -- forward let go

15 anchor -- I'm sorry, "Forward, let go port"?

16 A. No. This word have got -- I mean,
17 there is --

18 Q. Keep your voice up.

19 A. "Midport quarter," there's nothing
20 onboard a ship by this name.

21 Q. I understand. And I'll represent
22 to you that what's in brackets, the people
23 listening couldn't tell what they're hearing.

24 A. Okay.

25 Q. Okay? So I want to know what you

1 hear. Okay?

2 A. Okay.

3 Q. So at 5:27:05, do you hear,

4 "Forward"?

5 A. Yes.

6 Q. At 5:27:05, did you hear,

7 "Forward, let go port"?

8 A. Yes.

9 Q. Did you hear it say, "Let go port

10 anchor"?

11 A. "Let go port anchor."

12 Q. At 5:27:07, did you hear,

13 "Forward, let go port anchor"?

14 A. Yes.

15 Q. And, again, you did not hear,

16 "Guys"?

17 A. No.

18 Q. At 5:27:11, you heard the pilot

19 make a security call?

20 A. Yes, sir.

21 Q. At 5:27:14, did you hear, "Let go

22 port anchor, AB"?

23 A. Not "AB." Not the word "AB."

24 Q. What did you hear?

25 A. Can you play that again.

1 (Audio played.)

2 A. I cannot hear, "Let go port
3 anchor, AB."

4 "Let go port anchor" is what I can
5 hear.

6 Q. And then after that, there's
7 some -- on the transcript there's some Hindi,
8 right, written?

9 A. Yes, sir.

10 Q. What is being said at that time?

11 A. He's saying, "(In Hindi) Let go
12 port anchor." That means "Fast, let go port
13 anchor," if you translate it.

14 Q. So on that entry where it says A3
15 and then something follows, what is being
16 said at that moment in time?

17 A. (In Hindi) -- captain is
18 telling -- instructing on walkie-talkie to
19 bosun "(In Hindi)." That means asked to let
20 go forward port anchor.

21 Q. So if at 5:27:14 there's an order
22 for let go port anchor, and you said you
23 don't see AB there, right?

24 A. Yes.

25 Q. That's the fourth order for the

1 anchor, correct?

2 A. Yes, sir.

3 Q. And now almost instantly right
4 behind that there's another order to release
5 the anchor, correct?

6 A. Yes, sir.

7 Q. And then do you hear, 5:27:17,
8 "Yes, sir"?

9 A. Yes.

10 And after this order, I made a PA
11 announcement. You can hear in the
12 background, again informing chief officer.

13 Q. And is that the entry at 5:27:19
14 where it says: Forward, everybody forward?

15 A. No.

16 Q. What is the -- at 5:27:19, do you
17 see that entry?

18 A. Yes.

19 Q. Do you hear something at that
20 time?

21 A. No. Can you play it again?

22 (Audio played.)

23 A. So this is captain saying,
24 "Forward, everybody. Let go port anchor."
25

1 BY MR. WALKER:

2 Q. That's at 5:27:19?

3 A. Yes, sir.

4 Q. Okay. And at 5:27:20, do you
5 hear, "Coast Guard" in the background?

6 A. Yes, I can.

7 Q. And at 5:27:23, did you hear,
8 "Hard port"?

9 A. Yes.

10 Q. At 5:27:24, did you hear, "Hard
11 port, sir"?

12 A. Yes, sir.

13 Q. Who was speaking during the first
14 "Hard port" command and then the "Hard port,
15 sir"?

16 A. First "hard port" command was
17 given by pilot, to which the helmsman
18 acknowledged "Hard port, sir."

19 And in between I have made a PA
20 announcement as well. It is not mentioned in
21 transcript -- I have made a PA announcement
22 to the chief officer on public address
23 system. It's not mentioned on here.

24 Q. And do you hear something in the
25 background that tells you you did that, or do

1 you believe that you just -- you did it and
2 you remember it happening at this time?

3 A. If you'll play, I'll tell you
4 where to stop, where I made it.

5 Q. Listen to my question, though. If
6 you can answer my question, and I'll do that
7 for you.

8 But are you explaining to me that
9 you recall -- your memory is that, at the
10 time of the event, you made a PA announcement
11 at this time, or are you telling me you hear
12 something on there that's not transcribed
13 here?

14 A. I hear something which is not
15 transcribed here.

16 Q. So, again, I'll back up to a
17 minute and five seconds.

18 A. Okay, sir.

19 (Audio played.)

20 A. So this is me talking in
21 background. "Chief officer." And making
22 that announcement on the public address
23 system.

24 Q. And where is that in relation to
25 the transcript?

1 A. Somewhere close to 5:27:14.

2 Q. And what are you saying on
3 the -- on the PA?

4 A. I'm saying, "Chief officer, chief
5 officer, chief officer, let go port anchor."
6 I'm just making a random announcement to
7 chief officer.

8 Q. So you're giving a command to
9 release the port anchor?

10 A. No. I wanted chief officer to go
11 forward as soon as possible. So this is the
12 first thing which came to my mouth. I said
13 whatever came to my mouth.

14 Q. And then I'll continue to play
15 from here.

16 A. Yes, sir.

17 Q. And we'll stop at the 5:27:24
18 where we left off last time.

19 A. Yes, sir.

20 (Audio played.)

21 Q. Okay. So do you hear the "hard
22 port" and "hard port, sir," commands?

23 A. Yes.

24 Q. At 5:27:23 and 5:27:24?

25 A. Yes, sir.

1 Q. At this time, did you see the
2 helmsman execute on that command?

3 A. Yes.

4 Q. And do you recall if you noticed
5 at this time whether the rudder responded?

6 A. Yes.

7 Q. So I will play for about
8 20 seconds.

9 (Audio played.)

10 Q. And I'm going to back this up
11 again and let you listen to that again. I
12 will go to 5:27:19 and just play it from
13 there so you can listen to it again. Okay?

14 A. Okay, sir.

15 (Audio played.)

16 Q. So in this exchange at 5:27:25, do
17 you hear, "Security call. Security call.
18 Container ship Dali has lost power
19 approaching the Key Bridge"?

20 A. I hear that.

21 Q. At 5:27:29, did you hear, "Let go
22 port"?

23 A. Yes.

24 Q. Whose voice did you hear say, "Let
25 go port"?

1 A. Captain's.

2 Q. Did you hear the rest of it?

3 A. No.

4 Q. Did you understand that when you
5 heard it to be an order to let go the port
6 anchor?

7 A. Yes, sir.

8 Q. And then at 5:27:31, do you hear,
9 "I repeat, the container ship Dali has lost
10 all power approaching the Key Bridge"?

11 A. Yes, sir.

12 Q. And then he ends with "Dali,"
13 correct?

14 A. Yes.

15 Q. Now, next there's a series of
16 commands from 5:27:39 to 5:27:47, correct?

17 The series -- there's a series of
18 commands right there, correct?

19 A. If I may add something. After
20 5:27:31, the AB confirms the pilot that
21 "wheel is on hard port now," which is not
22 mentioned in the transcript. I can hear it.

23 Q. You heard it. Okay. So between
24 5:27:31 and 5:27:39 you heard what?

25 A. Helmsman confirming, "The pilot

1 wheel is on hard on port."

2 Q. At 5:27:39, did you hear, "Do we
3 have bow thruster?"

4 A. Yes, sir.

5 Q. Whose voice?

6 A. This is the pilot asking captain,
7 "Do we have bow thruster?"

8 Q. And then at 5:27:42, "Captain, do
9 we have a bow thruster?"

10 Do you hear that?

11 A. Yes, sir.

12 Q. At 5:27:44, two seconds later, do
13 you hear, "Yeah, we have, we have, we have"?

14 A. Yes, sir.

15 Q. Whose voice is that?

16 A. Me and captain acknowledging
17 together to pilot.

18 Q. And at 5:27:46, do you hear, "Full
19 to port"?

20 A. Yes.

21 Q. At 5:27:47, do you hear, "Full to
22 port. Full to port"?

23 A. Yes.

24 Q. Whose voices?

25 A. First command, 5:27:46, is pilot.

1 And two commands after that is me
2 responding to pilot, "Full to port. Full to
3 port."

4 Q. And that's the command for the bow
5 thruster, correct?

6 A. For the bow thruster.

7 Q. And at 5:27:51, do you hear,
8 "Forward, let go"?

9 A. No, I have to --

10 Q. We'll pick up from there?

11 A. Yes, sir. Yes, sir.

12 (Audio played.)

13 A. "Forward, let go." Captain is
14 again telling bosun "Forward, let go."

15 Q. And that's a command for the
16 anchor?

17 A. Yes, sir.

18 Q. And then after that 5:27:54, do
19 you hear, "Dali has lost power"?

20 A. No. I have to listen again.

21 (Audio played.)

22 Q. So from 5:27:54, do you hear
23 someone communicating?

24 A. Yes, I hear it.

25 Q. What -- what do you hear during

1 that time?

2 A. I can make out he's saying, "Dali
3 has lost it. Dali has lost it."

4 Q. And then at 5:27:55, do you hear,
5 "Has lost power, lost it."

6 Is that what you're hearing?

7 A. Yes.

8 Q. So we are going to pick up with
9 Exhibit 45, which is also mic A1, and it is
10 5:28:00 to 5:29:59. Okay?

11 A. Okay, sir.

12 Q. Are you okay?

13 A. Yes.

14 Q. Are you okay to continue?

15 A. Yes.

16 (Audio played.)

17 Q. So that was the first 11 seconds.

18 Do you want me the play again for you?

19 A. Yes.

20 (Audio played.)

21 A. So this is captain saying in
22 Hindi, which I will translate to you, he says
23 what I understand "Open. Open it."

24 Like, open the -- what he's
25 referring to is open the decks of the anchor.

1 "You should have told me before."

2 And then he says something which
3 is -- which cannot -- it's not audible
4 properly.

5 Q. Now, having been there, can you
6 give any background to that, what is
7 occurring at that moment?

8 A. No.

9 Q. You're repeating what you hear the
10 captain say, correct?

11 A. Yes, sir.

12 Q. Do you have any idea what he meant
13 by "You should have told me before"?

14 A. No.

15 Q. The transcript at 5:28:01 says:
16 Open, open, open.

17 Do you hear that?

18 A. Yes, sir.

19 Q. And then it says: Quickly friend.
20 I was about to say something.

21 Do you hear that?

22 A. It is not "quickly friend." It
23 is: Open, open, open. Open, open, open.
24 You should have told me earlier. Something
25 of this time.

1 Q. I understand.

2 And then the same entry --

3 A. Same entries. They're repeating
4 the entries.

5 Q. So then I'm going to pick up at
6 about ten seconds after, and we'll go from
7 5:28:10 to 5:28:30. Okay?

8 A. Okay, sir.

9 (Audio played.)

10 Q. I went too far there, but let me
11 back up and let you listen to it again.
12 Okay?

13 A. Yes, sir.

14 Q. I'll start at eight seconds in.

15 (Audio played.)

16 Q. So picking up at 11, do you hear
17 what's transcribed at 5:28:11?

18 A. No, I don't hear it.

19 Q. At 5:28:15, do you hear someone
20 say, "Bow thruster"?

21 A. It is me telling pilot, "We don't
22 have bow thruster."

23 Q. Did you hear the full sentence
24 that's you just described to me, "We don't
25 have bow thruster," or do you just hear "bow

1 thruster" on the audio?

2 A. On audio, and as well as I
3 remember this. But it can be confirmed in
4 audio. I told him, "We don't have bow
5 thruster."

6 Q. Well, I'll -- and I'll tell you
7 you'll see looking ahead, there is a -- we
8 are going to get to a spot here where you
9 tell -- clearly say, "Not working."

10 But at this moment in time, what
11 I'm asking you is do you hear at 5:28:15 any
12 more than the words "bow thruster"?

13 A. "We don't have bow thruster."
14 This is the statement I made. Nothing else.

15 Q. Just "bow thruster"?

16 A. Yes.

17 MR. BENNETT: Just note my
18 objection.

19 Larry, can you clear that up?

20 BY MR. WALKER:

21 Q. Let's make sure we are on the same
22 page. The transcript says 5:28:15 and it
23 says: Bow thruster.

24 Correct?

25 A. Yes.

1 Q. All right. I'm going to play it
2 for you again. And my question to you is
3 just what do you hear at that moment in time.
4 You repeat to me all the words you hear on
5 here, not what you were intending to transfer
6 at that time. Not what you remember hearing
7 at that time. I want you to tell me what you
8 actually hear on the audio. Okay?

9 I'm going to start at 10. Okay?

10 A. Okay.

11 (Audio played.)

12 A. So this is me. "We do not have
13 bow thruster."

14 Q. So there's some words before the
15 "bow thruster," right? On the audio, you can
16 hear some words right before the word "bow
17 thruster," correct?

18 A. Yes.

19 Q. And you said, "We don't have bow
20 thruster"; is that correct?

21 A. Yes.

22 Q. Okay. Let's keep -- let's keep
23 going. Okay?

24 A. Okay.

25 Q. So I'm going to just back up again

1 to 15, and we'll play from there. Okay?

2 A. Okay.

3 (Audio played.)

4 Q. So after the 5:28:15, do you hear,
5 "hello"?

6 A. No.

7 Q. What do you hear after that on
8 the --

9 A. Straight away, I hear the captain
10 saying in Hindi -- and all these things,
11 hello, part of time, calling dispatch I
12 cannot hear, and it is not in the audio.

13 Q. What I want to know is what you
14 hear. Okay?

15 A. Okay.

16 Q. Tell me what you hear during that
17 time.

18 A. So after I said, "We don't have
19 bow thruster," to the pilot, I can hear the
20 captain's voice. "(In Hindi). Is there
21 anyone going forward?" If I have to
22 translate in Hindi. "(In Hindi)," which
23 means "Is somebody going forward?"

24 Q. So I'm going to, again, go back to
25 make sure you're -- giving you some -- you

1 know, we're going to wind back a little bit
2 to 15 again. Okay?

3 A. Okay.

4 (Audio played.)

5 Q. And what do you hear during that?

6 A. He says, "(In Hindi). Is there
7 someone going forward?"

8 And someone replies to him, "Yes.
9 (In Hindi)." Means "It's done. Yes, it's
10 done."

11 And then captain says, "Let go.
12 Let go. Let go port anchor."

13 Q. So the entry at 5:28:26: Let go
14 anchor, let go port anchor.

15 Is that the end of that exchange,
16 or is that exchange earlier?

17 I'll represent to you that I
18 stopped the video -- I stopped the audio at
19 30 seconds. So I'll start again at 10, and
20 let's make sure we are on the same page. So
21 I'll start at 10, and you tell me is
22 occurring between 5:28:10 and 5:28:30. Okay?

23 A. 5:28:10.

24 Q. Yeah, so we are backing up.
25 5:28:10. Just so you can hear it. Okay?

1 A. Okay.

2 (Audio played.)

3 Q. So that was to 5:28:33.

4 A. No. It was until 5:28:26.

5 Q. At 5:28:26, do you hear, "Let go
6 anchor, let go anchor"?

7 A. He says, "Let go. Let go. Let go
8 anchor."

9 Q. Okay. And then we'll continue to
10 listen from here another 20, 30 seconds.

11 (Audio played.)

12 Q. So at -- do you hear the entry at
13 5:28:26?

14 A. Uh-huh. I cannot hear of any
15 statement made at this time.

16 Q. I don't understand your answer.
17 At five -- there's a -- we don't need to
18 repeat foul language that's in here. But at
19 5:28:26, there's an entry here.

20 Do you hear that?

21 A. No.

22 Q. At 5:28:28, there's an entry: I
23 don't know either man.

24 Do you hear that?

25 A. No.

1 Q. At 5:28:33, there's an entry:

2 This is not good.

3 Do you hear that?

4 A. No.

5 Q. And I'll represent to you it could

6 be on another mic that is not coming on this

7 one.

8 But you don't hear it, right?

9 A. I don't hear it.

10 Q. And at 5:28:37, there's some

11 Hindi.

12 Do you hear that?

13 A. Yeah.

14 Q. What is being said?

15 A. He said, "Kia (phonetic), have you

16 let go the anchor?" The captain is saying.

17 Q. And did he get a response?

18 A. He get a very slight response,

19 "Yes, sir," in background someone says.

20 Q. So as of this time at 5:28:37, do

21 you believe, based on what you're hearing,

22 that the anchor started dropping at that

23 point?

24 A. No.

25 Q. No? What do you hear at 5:28:42?

1 There's more Hindi. What is that being said?

2 A. "Keep holding on (in Hindi)." But
3 I cannot hear any statement of -- made in the
4 audio.

5 Q. I will go back to, say, 35 seconds
6 and play from there. Okay?

7 A. Okay.

8 Q. I will go back to 30. Back it up.
9 (Audio played.)

10 A. So at entry 5:28:37, he says, "Let
11 go, Kia." That means, "Have you let go the
12 anchor?"

13 And to which someone replies,
14 "Yes, sir."

15 Q. And you understood that to be an
16 order to let go the anchor, and someone
17 saying -- acknowledging the order?

18 A. Yes, sir.

19 Q. And then at 5:25:45, "Let go. Let
20 go."

21 Did you hear that?

22 A. Captain again says, "Let go. Let
23 go. Let go anchor."

24 Q. And at 5:28:51, did you hear an
25 entry there, "Port, sir."

1 A. Yes, sir.

2 Q. At 5:28:53, did you hear, "Great"?

3 A. Yeah.

4 Q. And then there's four entries
5 relating to the bow thruster after that.

6 Do you hear all four of those?

7 A. Yes.

8 Q. And 5:29:01, do you hear that?

9 A. We have not reached to that part.

10 Q. I will play from 56 seconds.

11 Okay?

12 A. Okay.

13 Q. And I'll play through that 01 to
14 about 5:29:16. Okay?

15 A. Okay.

16 (Audio played.)

17 Q. First, do you agree that at the
18 end where I stopped it is the first sounds of
19 the allision, the Dali hitting the bridge?

20 A. Yes.

21 Q. So just picking up from where we
22 left off, the commands relating to the bow
23 thruster to port and not working. From
24 there, what do you hear? And, again, at
25 5:29:01 do you hear what's transcribed?

1 A. So after I told pilot we don't
2 have bow thruster, captain again says,
3 "Forward," just maybe the word, "Forward.
4 Let go. Let go port anchor." And --

5 Q. At 5:29:05, do you hear someone
6 say, "Let it go, yes"?

7 A. Yes.

8 Q. And at 5:29:07, do you hear, "Let
9 go"?

10 A. Yes.

11 Q. And then what's in 5:29:16, do you
12 hear that?

13 A. Yes.

14 Q. All right.

15 A. But I cannot hear the anchors when
16 they actually went -- let go.

17 Q. On the audio, you cannot hear?

18 A. On the audio, I cannot.

19 Q. Do you know where -- do you have a
20 recollection of where in the events that
21 we've discussed that the anchor actually
22 started letting go?

23 A. Somewhere close to 5:29:01.

24 Q. So 15 seconds before the ship hit
25 the bridge?

1 A. Approximately.

2 MR. WALKER: Take ten minutes?

3 MR. BENNETT: Sure.

4 THE VIDEOGRAPHER: Going off the
5 record at 3:05 p.m.

6 (A brief recess was held from
7 3:05 p.m. to 3:24 p.m.)

8 THE VIDEOGRAPHER: We are going
9 back on the record at 3:24 p.m.

10 EXAMINATION

11 BY MR. REISMAN:

12 Q. Good afternoon, Mr. Bisht. My
13 name is David Reisman.

14 A. Good afternoon, sir.

15 Q. I'm an assistant counsel to the
16 Office of Attorney General for the State of
17 Maryland. I'm here to ask questions of you
18 today on behalf of the State of Maryland. I
19 don't have a whole lot. Mr. Walker did a
20 really nice job and was very thorough, but I
21 wanted to ask you about a few things.

22 Earlier today, Mr. Walker asked
23 you some questions about one or more
24 blackouts that happened on the Dali on
25 March 25th while the ship was at the berth in

1 Baltimore.

2 Do you recall that?

3 A. Yes, sir.

4 Q. And you were made aware of one or
5 more of those blackouts via a call from the
6 chief officer; is that right?

7 A. Yes, sir.

8 Q. When the ship blacked out on
9 March 25th, that was something that had to be
10 reported to the United States Coast Guard,
11 correct?

12 MR. BENNETT: Just note my
13 objection.

14 A. I'm not aware.

15 BY MR. REISMAN:

16 Q. You're not aware of that? Do you
17 recall being interviewed by the United States
18 Coast Guard and the NTSB shortly after the
19 incident in March of 2024?

20 A. NTSB, yes. Coast Guard, no.

21 Q. And do you recall being asked in
22 that interview by the NTSB whether the
23 March 25th blackout had to be reported to the
24 Coast Guard?

25 A. I don't remember.

1 Q. I'm going to read something to
2 you. And ask you if this refreshes your
3 recollection.

4 MR. BENNETT: Just note my
5 objection to the use of the NTSB
6 investigative materials in this
7 litigation.

8 BY MR. REISMAN:

9 Q. And the question was from
10 Mr. Barnum, and it said: And this is Bart,
11 NTSB, to follow upon that. You seem to
12 be -- you seem to be extremely familiar with
13 this blackout that happened a day ago. Is
14 that -- are you responsible for notifying the
15 Coast Guard? Or how do you know that you did
16 not -- someone onboard did not communicate
17 that with the Coast Guard?

18 And your answer was: I mean, I
19 did not do it. I was not on bridge. We have
20 to tell this blackout either by e-mail or on
21 the VHF. So I was on cargo watch. I was on
22 the deck, main deck, so I did not inform
23 anyone.

24 Do you remember that testimony?

25 A. Yes.

1 Q. So you were telling the NTSB at
2 that time in that recorded interview that you
3 knew it had to be -- the blackout on
4 March 25th had to be reported to the Coast
5 Guard, but you --

6 MR. DUFFY: I'm going object.

7 That's not what the testimony says.

8 MR. REISMAN: Listen, Owen, no
9 problem with you making an objection,
10 but don't interfere with the question.
11 Just let me ask it, and then make the
12 objection.

13 MR. DUFFY: Well, you can't
14 misstate what it says.

15 MR. REISMAN: Owen, you have to
16 let me finish the question, and then
17 you're perfectly free to make the
18 objection.

19 MR. DUFFY: You asked the
20 question.

21 MR. REISMAN: I didn't complete
22 the question. You interfered with it,
23 so I didn't get a chance to complete
24 it.

25

1 BY MR. REISMAN:

2 Q. My question to you, sir, is that
3 when you were interviewed by the NTSB in
4 March of 2024, did you acknowledge to them
5 that the March 25th blackout had to be
6 reported to the Coast Guard?

7 A. I cannot recall my -- what I told
8 to NTSB. It was long ago. More than ten
9 months before.

10 Q. Would you like to see it? Would
11 that help you?

12 A. Yeah.

13 Q. Okay. I don't have a hard copy
14 with me, but I can show it to you on my
15 screen.

16 MR. DUFFY: I have a hard copy.

17 MR. REISMAN: You have it?

18 Yeah, I can tell you exactly. Thank
19 you, Owen.

20 It's on Page 93, Lines 11
21 through 20.

22 And we're going to attach a copy
23 of this transcript, subject to your
24 objection, I assume.

25 MR. BENNETT: Objection's, yep,

1 to the use of it.

2 MR. REISMAN: Subject to the
3 objection from counsel for the vessel
4 interest, we're going to attach a copy
5 of Mr. Bisht's NTSB interview
6 transcript as Exhibit 52.

7 And, Josh, Liz is going to send
8 you a copy electronically.

9 BY MR. REISMAN:

10 Q. And, Mr. Bisht, just tell me --

11 MR. BENNETT: Just -- so I think
12 we need to be clear because there are
13 some people who may not have signed on
14 to the NTSB's protocols and protective
15 order.

16 MR. REISMAN: Okay.

17 MR. BENNETT: So you want attach
18 this to the transcript -- to the
19 deposition transcript?

20 MR. REISMAN: Correct.

21 MR. BENNETT: And that may not
22 be permissible under the NTSB's rules.
23 So before you do so, why don't we come
24 to an agreement that we get guidance
25 from the NTSB before it's done.

1 MR. REISMAN: That's fine.

2 MR. BENNETT: Okay.

3 MR. REISMAN: So we're going to
4 withhold it as an exhibit at the
5 moment -- just hang on a second. I
6 want to hear what you're going say,
7 but just give me a second.

8 I'm willing to withhold
9 attaching it as an exhibit right now,
10 subject to our express reservation of
11 our right to decide to attach it later
12 with no objection to it being
13 attached. Again, its use, that
14 objection will be noted, but then I
15 have the right to attach it if I
16 decide after I seek that guidance, as
17 you've suggested.

18 MR. BENNETT: So long as the
19 NTSB approves of the attaching of the
20 excerpt of the transcript, yes.

21 MR. REISMAN: You're not -- I
22 mean, I'm free to attach it. If that
23 would --

24 MR. BENNETT: I don't believe
25 you are.

1 MR. REISMAN: Well, I can. If
2 that would have put me in violation of
3 the protective order or something from
4 the NTSB, I can do it. I'm not going
5 to do it if I think it violates either
6 of those, but you can't stop me from
7 doing it.

8 What I'm saying is that I want
9 -- I'm reserving the right to attach
10 it as an exhibit later subject to your
11 objections to its use and anything
12 else you want to do, but you cannot
13 prevent me from attaching it later.

14 If you agree --

15 MR. BENNETT: I'd ask you first
16 -- yeah.

17 MR. REISMAN: Well, we're going
18 to get to the same place, which is I'm
19 going to look for that guidance, and
20 I'm not going to do it if I determine
21 in my judgment that I can't.

22 MR. BENNETT: Understood.

23 MR. MAHONEY: Can I ask a
24 question? I thought -- this isn't
25 covered by the court-entered

1 protective order addressing NTSB
2 disclosures?

3 MR. REISMAN: I think it is, but
4 I'm willing to wait and confirm that.

5 MR. MAHONEY: That's the purpose
6 of the order.

7 MR. BENNETT: I think it's -- I
8 don't think it is. I think the NTSB
9 is a lot broader than the court order,
10 and all I'm doing is trying to protect
11 the process. If I'm wrong, I'm wrong,
12 but I think it makes a lot of sense to
13 get guidance from the NTSB before we
14 do it.

15 MR. REISMAN: I'm not suggesting
16 that I'm going to call the NTSB and
17 seek that guidance. I'm going to look
18 at what has been agreed to between us
19 and the NTSB and the protective order,
20 and if I, in my sole judgment,
21 determine that I'm entitled to attach
22 it as an exhibit, I'm going to do it.

23 And, again, you would have the
24 objection to its use down the road,
25 whatever that objection was. I just

1 want it clear that you're not going to
2 take -- you're not taking the position
3 that you can prevent me from attaching
4 it at a later date.

5 MR. BENNETT: The State of
6 Maryland does so at its own peril, and
7 if it does do it, I will make a formal
8 request to the NTSB that they kick the
9 State of Maryland off all NTSB working
10 groups.

11 MR. REISMAN: Even though you
12 don't know whether it's prohibited?
13 So you're going to make that --

14 MR. BENNETT: I'm going to seek
15 guidance --
16 (Simultaneous unreportable crosstalk.)

17 MR. BENNETT: I'm going to seek
18 guidance from the NTSB.

19 MR. REISMAN: Well, that's not
20 what you said. You just said you're
21 going to do it.

22 MR. BENNETT: No. My the first
23 thing was that I'm going to seek
24 guidance, and I think the best way
25 forward is to seek guidance from the

1 NTSB, see what they say.

2 If you disagree what they say,
3 you do so at your own peril.

4 MR. REISMAN: Understood. I
5 just want it clear and for you to
6 state that you're not -- you're not
7 going to attempt to prevent me from
8 attaching it.

9 MR. BENNETT: Well, I am, yeah,
10 until guidance from the NTSB is
11 received.

12 MR. REISMAN: I thought you
13 said that I could -- if you find that
14 -- you think the NTSB says I can't,
15 that I can do it at my own peril.

16 MR. BENNETT: You do so at your
17 own peril.

18 MR. REISMAN: That's the point.
19 You're not telling me that I can't do
20 it. You and I will jointly take a
21 look at the guidance that's out there.
22 Hang on. Take a look at that. If we
23 agree that I can attach it, I'm going
24 to attach it. If we disagree -- well,
25 if we agree that I can't, I'm not

1 going to. If we disagree, then I can
2 do it at my peril.

3 Is that the agreement.

4 MR. BENNETT: That's fine.

5 MR. REISMAN: Okay. Thank you.

6 MR. MAHONEY: So are we leaving
7 a placeholder for Exhibit 52 due to
8 the --

9 MR. REISMAN: Yes.

10 MR. LOCHNER: And, Bill, I'll
11 just put this in the record as well.
12 If your concern is large number of
13 firms in my silo group, I can assure
14 you that we have on record signatures
15 from absolutely every law firm for the
16 NTSB agreements as well.

17 MR. BENNETT: To be quite
18 honest, Todd, I'm not worried about
19 your group.

20 BY MR. REISMAN:

21 Q. Have you had a chance to review
22 it, sir?

23 A. Yes.

24 Q. My question to you before you
25 looked at it was, do you agree that when you

1 were interviewed by the NTSB in March of 2024
2 that your position was that the March 25th
3 blackout had to be reported to the Coast
4 Guard, but that you were not the one to do
5 so?

6 A. Yes.

7 Q. Since you were interviewed by the
8 NTSB in March of 2024, have you come to learn
9 that the United States Coast Guard
10 regulations have some different requirement
11 than you understood at the time of your
12 interview?

13 A. No.

14 Q. Thank you, sir.

15 In the moments after the Dali
16 blacked out on March 26th, can you tell me
17 what efforts were made by the ship's crew to
18 avoid hitting the Francis Scott Key Bridge?

19 A. When the vessel suffered first
20 blackout to know the status of what's going
21 on and to tell the situation -- emergency
22 situation ahead of me -- ahead of the vessel.

23 The first thing I did from bridge
24 was to call up engine room and inform them.
25 This was the first step I did.

1 When it was very much sure that
2 the vessel has taken a starboard momentum, we
3 used our rudder, and we used it full to port
4 side so that the vessel can come back to the
5 course.

6 Third step we did was we tried
7 using the bow thruster full to port, but we
8 did not have power in the bow thruster.

9 We tried to lower down a port
10 anchor, and we did lower port anchor.

11 These are the four steps we did
12 from the bridge.

13 Q. Thank you, sir. Just to -- want
14 to clarify and make sure I understand that
15 correctly because you're not suggesting that
16 the order in which you took the steps to
17 avoid the allision, are you?

18 A. I am telling you in order -- in
19 the order.

20 Q. Let me back you up. And I know
21 you have the transcript, and there was a lot
22 to it, and I just want to make sure I
23 understand this correctly.

24 My recollection is that at -- on
25 that transcript on 05:27:07, an order was

1 given to let go of the port anchor, correct?

2 A. What time?

3 Q. 05:27:07.

4 A. Yes, sir.

5 Q. And the order to use the bow
6 thruster came shortly after that at 05:27:46,
7 correct?

8 A. Yes, sir.

9 Q. So the actual order was you called
10 the engine room, then you gave port rudder?

11 A. Uh-huh.

12 Q. Then you attempted to use the port
13 anchor, correct?

14 A. Correct.

15 Q. And then you attempted to use the
16 bow thruster?

17 A. Correct.

18 Q. So that's the order of the evasive
19 actions that were attempted by the crew?

20 A. Yes.

21 Q. Okay. So there were three evasive
22 actions: The rudder, the anchor, and the bow
23 thruster?

24 A. Yes.

25 Q. Did any of those work?

1 A. Rudder moment, yes, the rudder was
2 given to hard to port and it went to hard to
3 port. Bow thruster was not operational.
4 Anchor were let go.

5 Q. Okay. Well, let's break that down
6 a bit. So the rudder -- the order for port
7 rudder, originally port 20, subsequently hard
8 port, the idea there was that that was an
9 effort to steer the ship to the port; is that
10 correct?

11 A. Yes, sir.

12 Q. And the idea for that was to steer
13 the ship so that it would miss the bridge?

14 A. Yes.

15 Q. The ship hit the bridge,
16 obviously, correct?

17 A. Yes.

18 Q. So the steering was ineffective to
19 cause the ship to miss the bridge?

20 (Technical interruption.)

21 THE VIDEOGRAPHER: Going off the
22 record at 3:37 p.m.

23 (A brief recess was held from 3:37
24 p.m. to 3:40 p.m.)

25 THE VIDEOGRAPHER: We are going

1 back on the record at 3:40 p.m.

2 BY MR. REISMAN:

3 Q. Sorry about that, Mr. Bisht. We
4 had a technical problem. We lost our folks
5 that are watching this remotely today.

6 A. No problem.

7 Q. So I'm going repeat my question.
8 We were talking about the use of the rudder
9 for evasive purposes in an effort to avoid
10 hitting the bridge, and my question was, was
11 the rudder effective in giving you enough
12 steering to avoid hitting the bridge?

13 A. We eventually gave full hard to
14 port so that the ship can come back to port
15 side, but it never happened.

16 Q. So the ship did not effectively
17 steer the way you had hoped it would?

18 A. Yes.

19 Q. Did you ever take a look at the
20 bow of the Dali to see where on the ship you
21 actually made contact with the bridge?

22 A. I went to the bow once.

23 Q. Can you tell me where on the bow
24 you saw the point of impact? In other
25 words -- I don't want to put words in your

1 mouth. But I'll throw something out there,
2 and you can do with that what you want.

3 Would you agree that the point of
4 impact was to the starboard side of the
5 center of the bow?

6 A. Possibly, yes.

7 Q. You're not sure? I don't want you
8 to guess. So if you don't know, that's fine;
9 just tell me you don't know.

10 A. I don't know.

11 Q. Fair enough. And maybe I should
12 have said that. If you don't know the answer
13 to my question, just tell me that. I don't
14 want to you to guess, and I don't want you to
15 make something up. So just tell me if you
16 don't know.

17 A. Okay.

18 Q. Thank you.

19 So the ship tried steering, and
20 that was not effective to avoid hitting the
21 bridge. And the ship also tried deploying
22 its port anchor?

23 A. Yes, sir.

24 Q. Was it your understanding that it
25 was -- the port anchor was being deployed in

1 an effort to use it to create some drag on
2 the port side and steer it away from the
3 bridge?

4 MR. BENNETT: Just note my
5 objection.

6 A. Yes, sir.

7 BY MR. REISMAN:

8 Q. Was that your understanding?

9 A. Yes, sir.

10 Q. And it took, if I calculated that
11 correctly, from 05:27:07 to 05:29:01 on the
12 transcript, before you believe that the
13 anchor was actually let go, correct?

14 A. Yes, sir.

15 Q. So the order was given on the
16 transcript time at 05:27:07 and was actually
17 physically released and let go at 05:29:01,
18 correct?

19 A. That's correct.

20 Q. So that's a period of just under
21 two minutes from when the order was given
22 until the anchor was actually let go?

23 A. Yes, sir.

24 Q. And at that point, you were just
25 10 or 15 seconds from hitting the bridge?

1 A. Yes, sir.

2 Q. And so the anchor was ineffective
3 because it was not dropped soon enough; is
4 that correct?

5 A. I don't know.

6 Q. Well, the idea of dropping the
7 anchor was to drop it soon enough that it
8 could have a steering effect on the ship,
9 correct?

10 A. Yes.

11 Q. And dropping it 10 or 15 seconds
12 before impact wouldn't have that effect,
13 would it?

14 A. Yes.

15 Q. You agree with me?

16 A. Yes.

17 Q. Okay. And then the third effort
18 you told us was the bow thruster, correct?

19 A. Yes, sir.

20 Q. And when the order was given to
21 use the bow thruster, the bow thruster was
22 not operating, correct?

23 A. Correct.

24 Q. It was unavailable?

25 A. Unavailable.

1 Q. What does that mean to you? Do
2 you know why it was unavailable?

3 A. Because we had a blackout, loss of
4 electrical power. So it requires electricity
5 to run, and we did not have this -- the ship
6 suffered blackout. So maybe because of this
7 reason, there was no power to the bow
8 thruster.

9 Q. But you're aware that the ship
10 ultimately recovered from the blackout,
11 right, regained power?

12 A. I don't know.

13 Q. You don't know that. Okay. If
14 the ship regained power, would it have your
15 expectation that the bow thruster would've
16 been available?

17 A. Yes.

18 Q. But in any event, when you tried
19 to operate it, it was not available; it would
20 not work?

21 A. It would not work.

22 Q. I know Mr. Walker asked you
23 questions, but I just want to make sure. Do
24 you have any knowledge with respect to how
25 many generators are needed to operate the bow

1 thruster?

2 A. No knowledge on this, sir.

3 Q. You're aware that the bow thruster
4 consumes a lot of electricity, correct?

5 A. Yes.

6 Q. It's a major consumer?

7 A. Yes.

8 Q. And you saw that fleet alert that
9 went out about requiring additional
10 generators to be used in maneuvering because
11 a bow thruster could cause a ship to black
12 out?

13 A. I saw it today.

14 MR. BENNETT: Just note my
15 objection.

16 BY MR. REISMAN:

17 Q. I'm sorry?

18 A. I saw it today.

19 Q. Okay. And so you would agree that
20 the ship should always have enough generators
21 running to ensure that the bow thruster would
22 be available when necessary?

23 A. I don't know about this.

24 Q. I'm not asking you to say how many
25 generators, but you would agree that the

1 ship -- go ahead.

2 A. Bow thruster requires
3 electricity -- it runs with the help of
4 electricity. How many generators are
5 required to run a bow thruster, I am not
6 aware of this.

7 Q. I understand that. But my
8 question is a little bit different. So if
9 you don't understand that, just tell me.

10 My question is, you would agree
11 that the ship should always have enough
12 generators running, online, and connected to
13 ensure that the bow thruster can be used when
14 necessary?

15 A. Yes.

16 Q. And the bow thruster is an
17 important piece of emergency equipment on the
18 ship, correct?

19 MR. BENNETT: Just note my
20 objection.

21 A. Not an emergency equipment. It is
22 one of the equipment which should be
23 available manually, which should be kept
24 always available while the ship is
25 maneuvering or in congested water.

1 BY MR. REISMAN:

2 Q. While maneuvering or in congested
3 waters; is that right?

4 A. Yes.

5 Q. And, in fact, the Dali was
6 maneuvering in congested water at the time of
7 this accident, correct?

8 A. Yes.

9 Q. And, in fact, the Dali was in
10 maneuvering waters at the time of the
11 blackouts on March 26th, correct?

12 A. Yes.

13 Q. And so the bow thruster should've
14 been available for use, correct?

15 A. Yes.

16 Q. And that's because bow thruster in
17 an emergency can be used to provide some
18 steering for the ship, correct?

19 A. Yes.

20 Q. And in this case, the bridge
21 crew -- the pilot, the master, and
22 yourself -- tried to use the bow thruster in
23 an effort to steer the ship away from the
24 bridge?

25 A. Yes.

1 Q. And the bow thruster was not
2 available?

3 A. Yes. And not only for emergency.
4 If the ship requires to turn in the basin and
5 to make -- I mean when the ship is undocking
6 or docking.

7 Q. Is it fair to say that in addition
8 to its application in emergencies it has uses
9 in nonemergency situations --

10 A. Yes.

11 Q. -- as well?

12 A. Yes, correct.

13 Q. Okay. Thank you.

14 But in any event, what we know is
15 that when the Dali's crew attempted to use
16 the bow thruster in an effort to steer the
17 ship away from the bridge, the bow thruster
18 was not available and could not be used?

19 A. Correct.

20 Q. So the three evasive measures that
21 you tried to employ -- when I say "you," I'm
22 talking about you the pilot and the master,
23 the three individuals on the ship's bridge.
24 The three evasive actions you all attempted
25 to utilize were all ineffective?

1 A. Yes.

2 Q. Would you agree that -- strike
3 that.

4 Are you aware that Synergy is the
5 management company for the Dali in March of
6 2024?

7 A. Yes.

8 Q. And Synergy shoreside managers had
9 responsibility for the ship?

10 A. Yes.

11 Q. You mentioned an individual
12 earlier today, Captain Melroy. That was
13 Captain Melroy D'Souza, correct?

14 A. Correct.

15 Q. And he was -- during the time that
16 you worked on the Dali, Captain Melroy
17 D'Souza was the marine superintendent for the
18 Dali?

19 A. Yes.

20 Q. And he is a shoreside Synergy
21 employee?

22 A. Yes.

23 Q. So he's somebody that sits in an
24 office somewhere in some Synergy location but
25 manages the marine operations of the ship,

1 correct?

2 MR. BENNETT: Just note my
3 objection.

4 BY MR. REISMAN:

5 Q. You can answer.

6 A. Correct.

7 Q. What is your understanding of what
8 Captain D'Souza's job is as respect to the
9 Dali?

10 A. What I can understand that if we
11 have to raise any requisitions from deck, if
12 we want any stores from deck, if we have any
13 periodic inspections coming up for any
14 equipment. So we would inform this to
15 Captain Melroy, and he would make some
16 arrangements to do.

17 Q. And if there was a problem with
18 the operation, the navigational equipment on
19 the ship, for example, would Captain D'Souza
20 be involved in that?

21 A. Yes.

22 Q. And, in fact, when the anchor --
23 port anchor hydraulic brake didn't function
24 while the ship was in Panama in March of
25 2024, the person who was notified was

1 Captain D'Souza, correct -- strike that.

2 Captain D'Souza was one of the
3 people in Synergy's shoreside management team
4 that was notified when the port hydraulic
5 anchor brake didn't work in March of 2024?

6 A. Captain D'Souza called me up on
7 bridge, and with this phone call, I can
8 recall that he can be the person whom the
9 captain initially notified.

10 Q. And Captain D'Souza attempted to
11 manage the problem and determine what was
12 wrong with that hydraulic brake?

13 MR. BENNETT: Just note my
14 objection.

15 A. He wanted to know what the actual
16 problem is and how much time will it take, so
17 he was keeping a close eye on the situation.

18 BY MR. REISMAN:

19 Q. So he wanted to know how much time
20 it would take to get the -- that hydraulic
21 brake repaired?

22 A. He wanted to know what actually
23 happened with the hydraulic brakes. "Why are
24 you not able to heave up the anchor?"

25 Q. But you said he wanted to know

1 about how much time it would take.

2 What did you mean by that?

3 A. I mean by that -- since the Panama
4 Canal pilot was already onboard and he knew
5 that pilot was already onboard, so he wanted
6 to know how much time will it take.

7 Q. And was he providing guidance to
8 you in terms of what to do in the situation?

9 A. He was asking me, "What's going
10 on. Can you just convey this message from
11 one walkie-talkie to the forward station
12 people, and they can convey back?"

13 Q. And you were required to answer
14 his questions, correct?

15 A. I was -- I picked up his call.
16 So, yes, he was questioning me, and I was
17 answering.

18 Q. Because he was one of the managers
19 for the Dali, correct?

20 A. Yes, sir.

21 Q. And you understood that?

22 A. Yes.

23 Q. Had you ever dealt with
24 Captain D'Souza yourself before that?

25 A. Never.

1 Q. Are you familiar with an
2 individual named Karthik Nair?

3 A. Yes.

4 Q. Who is Karthik Nair?

5 A. So he's technical superintendent
6 in charge, the TSI, of Dali.

7 Q. Are you sure his title in March of
8 2024 was technical superintendent?

9 A. Yes.

10 Q. You're sure of that?

11 A. I'm not sure.

12 Q. He may have been the assistant
13 technical manager; is that correct?

14 MR. BENNETT: Just note my
15 objection.

16 A. I don't know. I just know that
17 he's the TSI of Dali.

18 BY MR. REISMAN:

19 Q. And what is your understanding of
20 the technical superintendent position? Does
21 that individual manage the equipment and
22 machinery onboard the Dali?

23 A. What my understanding is, if
24 anything is required in the engine room, any
25 spare parts are required, any regulation are

1 required. So he's the person whom the chief
2 engineer and captain will report to.

3 Q. Okay. And he ensures that those
4 parts and those equipment and those repairs
5 are sent to the ship or performed, correct?

6 A. Yes.

7 Q. You would agree that Mr. Karthik
8 Nair performed an important role with respect
9 to ensuring that the Dali was safe to
10 operate?

11 A. Yes.

12 Q. We talked about the steering, the
13 attempt to steer the ship away from the
14 bridge on March 26, 2024.

15 Did you rely on Synergy to ensure
16 that the equipment onboard the Dali was in
17 safe operating condition?

18 A. It will be relied on Synergy.

19 Q. In other words, did you rely on
20 Synergy to make sure that equipment was
21 maintained in accordance with manufacturers'
22 recommendations?

23 A. I mean, we carry out work on the
24 equipment as per -- prescribed in the PMS,
25 which is planning maintenance system.

1 Q. Right.

2 A. And --

3 Q. And who creates --

4 MR. BENNETT: Don't -- don't
5 interrupt him. You broke --

6 MR. REISMAN: All right.

7 MR. BENNETT: -- into his
8 answer.

9 MR. REISMAN: All right.

10 BY MR. REISMAN:

11 Q. Go ahead.

12 A. So the works on any equipment --
13 like, for me, if I have to do some work on
14 GPS, the PMS show me what work I have to do
15 weekly, daily, monthly, and I make sure it is
16 being done, and I'll record it. If any
17 problems I face with regards to that
18 equipment, I will make a report on the PMS,
19 and I'll summary the report.

20 Q. So the PMS, the plan maintenance
21 system, tells the people onboard the ship,
22 "This is the maintenance work that needs to
23 be performed and when it needs to be
24 performed"; is that correct?

25 A. Yes.

1 Q. And the individuals on the ship
2 don't create the PMS, do they?

3 A. No.

4 Q. That's done by Synergy shoreside
5 management?

6 A. Yes.

7 Q. So Synergy shoreside management
8 determines what maintenance needs to be
9 performed and when it needs to be performed?

10 MR. BENNETT: Just note my
11 objection.

12 A. Yes.

13 BY MR. REISMAN:

14 Q. And you rely on Synergy shoreside
15 management to have a safe and effective PMS
16 system, correct?

17 A. Not only if you have -- if any
18 equipment is having its instructions manual,
19 and we come to know the ship -- just come to
20 know that any maintenance is -- that's
21 required to be on equipment that is not a
22 part of the PMS, we would tell the Synergy,
23 and it will be, you know, added as a part of
24 job with regards to that equipment.

25 Q. And when you say "Synergy," you

1 mean you would mention that to Synergy
2 shoreside managers?

3 A. I would tell to captain.

4 Q. And he would refer that to the
5 Synergy shoreside managers?

6 A. I don't know.

7 Q. You don't know where that goes?

8 A. I will -- I wouldn't --

9 Q. Fair enough. Fair enough.

10 And what about dry dockings?

11 That's -- what work is done by dry dock is
12 determined by Synergy shoreside managers?

13 A. I don't know. I've never done any
14 dry dock with Synergy.

15 Q. When you attempted to steer the
16 Dali away from the bridge on March 26, 2024,
17 the ship was relying on its steering gear
18 working effectively, correct?

19 A. Yes.

20 Q. Are you aware that the Dali
21 steering gear had not been overhauled at the
22 most recent five-year dry docking?

23 MR. BENNETT: Note my objection.

24 A. I have no idea about this.

25 MR. REISMAN: What's the basis

1 of that?

2 MR. BENNETT: It's inaccurate.

3 MR. REISMAN: Okay.

4 BY MR. REISMAN:

5 Q. Let's take a look at a document,
6 then. We are going to --

7 MR. REISMAN: Josh, this is
8 going to be Document O please. And
9 we're going to attach this as
10 Exhibit 53.

11 (Exhibit 53 was marked for
12 identification.)

13 BY MR. REISMAN:

14 Q. I'll ask you to take a look at
15 this and let me know after you looked at it.
16 It's a two-page e-mail. Again, we're
17 attaching this as Exhibit 53. This is marked
18 as Petitioner 258893 and 258894. And I will
19 represent this is an e-mail exchange between
20 the Dali and Mr. Karthik Nair in January of
21 2024.

22 Did you just review it?

23 A. I've gone through it.

24 Q. Do you recall that in January of
25 2024 the ship's charters, Maersk, had an

1 survey and inspection performed on the ship?

2 A. Yes.

3 Q. And now that you have read this
4 e-mail exchange, do you see that on
5 January 24, 2024, the Dali's captain,
6 Captain Sabhapathy, sent an e-mail to Karthik
7 Nair with copies to Navdeep Singh Bhalla and
8 the VGDali@synergymarine.sg distribution
9 group asking for the last dry dock overhaul
10 reports for the steering gear?

11 Do you see that?

12 A. Yes, sir.

13 Q. And then do you see that Mr. Nair
14 responded to that e-mail on January 24, 2024,
15 by saying: With regards to the steering
16 gear, same was not overhauled.

17 Do you see that, sir?

18 A. Yes, sir.

19 Q. And then you see that's
20 Captain Sabhapathy responded to Mr. Nair on
21 January 25, 2024, saying: Your below advice,
22 duly noted.

23 Correct?

24 A. Yes, sir.

25 Q. Would you agree reading this

1 e-mail exchange that the Dali's steering gear
2 had not been overhauled at its last dry
3 docking?

4 A. I don't know.

5 Q. Well, is that what it says to you?

6 MR. DUFFY: Yeah, I'm going to
7 object. This is beyond this witness'
8 knowledge.

9 MR. REISMAN: Okay. No problem.
10 He can answer.

11 A. It says: With regards to steering
12 gear and bow thruster, same was not
13 overhauled.

14 BY MR. REISMAN:

15 Q. So you would agree that what the
16 e-mail says is that the steering gear had not
17 been overhauled, correct?

18 A. I mean, how can I comment on these
19 things? It's --

20 Q. I'm just asking you --

21 A. -- something in which captain and
22 chief engineer has to do.

23 Q. I'm just asking what the e-mail
24 says.

25 A. It says: With regards to steering

1 gear and bow thruster gear, same was not
2 ordered.

3 Q. Do you have any reason to believe
4 that that statement in the e-mail by Mr. Nair
5 was incorrect?

6 A. I'm not aware of any e-mails or,
7 you know, any maintenance work going on with
8 steering gear.

9 Q. I appreciate that. I'm not sure
10 that answered my question. So I'm asking a
11 more specific question.

12 Do you have any reason to believe
13 that Mr. Nair's statement in his January 24,
14 2024, e-mail that the steering gear had not
15 been overhauled at the last dry docking is
16 incorrect?

17 A. No, it's not correct. I mean --

18 Q. Would you like me to rephrase the
19 question?

20 A. Yeah, please rephrase the
21 question.

22 Q. No problem. What I want to know
23 is, do you believe that Mr. Nair's statement
24 in his January 24, 2024, e-mail that the
25 steering gear had not been overhauled at the

1 last dry docking --

2 A. Yes.

3 Q. -- is an incorrect statement?

4 MR. DUFFY: Objection. Asked

5 and answered. He said he has no

6 knowledge of this.

7 BY MR. REISMAN:

8 Q. You can answer, sir.

9 A. Karthik Nair mentions with regards
10 to steering and bow thruster same was not
11 overhauled, so he -- it means it was not
12 overhauled.

13 Q. Thank you, sir. We'll jump out of
14 order.

15 The third evasive action that the
16 Dali took on March 26, 2024, in an effort to
17 avoid hitting the bridge was to use the bow
18 thruster, correct?

19 A. Yes, sir.

20 Q. And you told us the bow thruster
21 was not available. It didn't operate,
22 correct?

23 A. Yes, sir.

24 Q. And in that same e-mail exchange
25 you jumped ahead a little bit. I didn't read

1 it so I'll go ahead and read it.

2 In this same document, this
3 Exhibit 53, on January 24, 2024, Karthik --
4 strike that.

5 On January 24, 2024,
6 Captain Sabhapathy sent an e-mail to Karthik
7 Nair with Navdeep Singh Bhalla and the
8 VGDali@synergymarine.sg distribution group in
9 copy stating that the Maersk vessel condition
10 assessment survey was going to ask for a copy
11 of the last dry dock overhaul report for the
12 bow thruster; is that correct.

13 A. Yes, sir.

14 Q. And I know you read it as part of
15 the sentence that we talked about a moment
16 ago with the steering gear, but you would
17 agree that on January 24, 2024, Karthik Nair
18 responded to Captain Sabhapathy by telling
19 him that the bow thruster had not been
20 overhauled, correct?

21 A. Yes. Yes, sir.

22 Q. Do you have any reason to believe
23 that Karthik Nair was wrong when he told
24 Captain Sabhapathy that the bow thruster had
25 not been overhauled?

1 A. No.

2 Q. Thank you, sir.

3 The third method that the Dali
4 attempted to avoid the bridge was the use of
5 the port anchor, correct?

6 A. Yes, sir.

7 Q. And you were aware that, while the
8 ship was in Panama in March of 2024, that it
9 was determined that the port hydraulic anchor
10 brake was inoperable, correct?

11 A. Yes, sir.

12 Q. Are you aware of any reason why
13 the Dali could not have remained in Panama
14 until that hydraulic brake was repaired?

15 A. I don't know.

16 Q. You can't think of any reason why
17 the ship couldn't remain there?

18 MR. DUFFY: Objection. Asked
19 and answered.

20 A. We eventually lifted the anchor,
21 and we made our way to the convoy.

22 BY MR. REISMAN:

23 Q. And how was that anchor lifted
24 while you were in Panama?

25 A. I don't know.

1 Q. You don't know whether that
2 hydraulic brake was ever repaired, do you?

3 MR. BENNETT: Just note my
4 objection.

5 A. I don't know.

6 BY MR. REISMAN:

7 Q. Do you have any knowledge that the
8 hydraulic brake was repaired at any time
9 before the March 26th accident?

10 MR. BENNETT: Asked and
11 answered.

12 A. I have no knowledge.

13 BY MR. REISMAN:

14 Q. After -- well, do you know whether
15 anybody on the Dali reported to Synergy
16 shoreside management that the port
17 hydraulic -- port anchor hydraulic brake was
18 inoperable?

19 A. I myself was on the call with
20 Captain Melroy when this happened, and
21 Captain Melroy was well aware of the
22 situation.

23 Q. Okay. Do you know whether Karthik
24 Nair was also notified of the problem with
25 the port anchor hydraulic brake while the

1 ship was in Panama?

2 A. I am not aware of it.

3 Q. I know I cut you off earlier, and
4 I apologize for that. But when I hold my
5 hand up -- just let me finish the question.

6 A. I'm sorry.

7 Q. No need to apologize. You're
8 doing great.

9 I'm going to show you a document
10 now.

11 MR. REISMAN: Joshua, if you
12 could pull up Document K from the Vaz
13 listing, so that was from yesterday.
14 It wasn't used. Okay. And we're
15 going to attach this as Exhibit 54.

16 And I'm going to give
17 you fellows a copy.

18 MR. WALKER: Thank you, David.

19 MR. REISMAN: You're welcome.

20 And I'm going to ask you to look
21 through that and let me know when
22 you're ready, please.

23 (Exhibit 54 was marked for
24 identification.)
25

1 BY MR. REISMAN:

2 Q. Have you had a chance to look at
3 it?

4 A. Yeah.

5 Q. Thank you. So I'm going to draw
6 your attention to -- and just for the record,
7 this document, which we have attached as
8 Exhibit 54, bears Bates numbers Petitioner
9 293283 through 293288. And I'm going to draw
10 your attention to an e-mail which starts on
11 Page 293286. If you look at the bottom right
12 corner, you'll see the number I'm referring
13 to.

14 A. Yes, sir.

15 Q. And 293286. Would you agree, sir,
16 that is an e-mail from Karthik Nair to a man
17 named raymond.loy@macgregor.com?

18 A. Yes.

19 Q. And in that e-mail, Karthik Nair
20 on March 19, 2024, reported that there was a
21 problem with the port hydraulic brake on the
22 Dali?

23 A. Yes, sir.

24 Q. And he explained what
25 the -- what -- the troubleshooting that had

1 happened onboard the ship was and that they
2 could not get it to work.

3 A. Yes, sir.

4 Q. And he concluded by saying:

5 Please check and revert urgently on the above
6 issue as vessel will be calling U.S. port,
7 and we need both the windlass to be in good
8 working condition.

9 A. Yes, sir.

10 Q. And, again, Karthik Nair was the
11 Synergy shoreside manager responsible for the
12 technical aspects of the Dali?

13 A. Yes, sir.

14 Q. And that would include the port
15 hydraulic brake, correct?

16 A. Yes, sir.

17 Q. So from reading this e-mail,
18 Mr. Nair is telling the manufacturer of that
19 port hydraulic brake that we need to have
20 this fixed urgently because we need both of
21 the windlasses to be in good working
22 condition when we get into U.S. waters.

23 A. Yes.

24 Q. And I think you told me earlier,
25 but I just want to confirm that, as far as

1 you know, that port hydraulic brake was not
2 fixed at any time before the March 26, 2024,
3 accident?

4 MR. DUFFY: Objection. Asked
5 and answered. We have been over this
6 all morning.

7 MR. REISMAN: All right.

8 MR. DUFFY: The document speaks
9 for itself.

10 MR. REISMAN: All right.

11 MR. DUFFY: He has no knowledge.

12 MR. REISMAN: All you have to do
13 is object.

14 MR. DUFFY: I know, but I'm
15 getting tired.

16 MR. REISMAN: Okay. Well.

17 BY MR. REISMAN:

18 Q. I'd like you now to look on
19 Page 293285, and, again, that's at the bottom
20 right corner. Tell me when you're there.

21 A. Yes, sir.

22 Q. And what you'd see there is an
23 e-mail from Karthik Nair to Raymond Loy at
24 MacGregor dated April 13, 2024.

25 A. Yes, sir.

1 Q. April 13, 2024, is after the Dali
2 had hit the Francis Scott Key Bridge,
3 correct?

4 A. Yes, sir.

5 Q. And in that e-mail, Mr. Nair says
6 to Mr. Loy: A gentle reminder for below.
7 Please check and revert ASAP with
8 troubleshooting advice and possible reasons
9 for the alarm on the PLC.

10 A. Yes, sir.

11 Q. Based on that, do you have any
12 reason to believe that Karthik Nair
13 understood that the hydraulic brake on the
14 Dali had been repaired before the accident?

15 MR. DUFFY: Objection. You're
16 asking him to speculate what someone
17 else thinks.

18 A. Can you please rephrase your
19 question.

20 MR. REISMAN: Sure.

21 Do you want to make the
22 objection in advance?

23 MR. DUFFY: I just made it.

24 MR. REISMAN: Well, I'm going to
25 repeat the question, and it won't be

1 verbatim. I'm willing to let you make
2 the objection.

3 MR. DUFFY: In advance, I object
4 to this whole line of questioning.

5 MR. REISMAN: Okay.

6 MR. DUFFY: This is getting to
7 be abusive.

8 MR. REISMAN: Okay. Noted.

9 BY MR. REISMAN:

10 Q. Do you have any reason to believe
11 that Karthik Nair understood that the
12 hydraulic brake on the Dali had been repaired
13 before the accident on March 26, 2024?

14 A. I don't know.

15 Q. Did you ever hear anybody contact
16 Mr. Nair and tell him that that hydraulic
17 brake had been repaired?

18 A. I had never heard anyone talking
19 to him.

20 Q. After the problem with the
21 hydraulic brake in March of 2024 while the
22 ship was in Panama, are you aware of any risk
23 analysis or analyses performed for operating
24 the Dali with a defective hydraulic brake?

25 A. I'm not aware.

1 Q. Are you aware of any safety
2 meetings that were held to talk about the
3 fact that the port hydraulic brake was not
4 working?

5 A. I'm not aware of any safety
6 meetings, but everyone onboard Dali knew that
7 we have some problem with port anchor.

8 Q. Are you aware of any changes to
9 any policies or procedures as a result of the
10 fact that the hydraulic brake was not working
11 in March of 2024?

12 A. No.

13 Q. Are you aware of any special
14 instructions that were given to any of the
15 crew members on how to operate the manual
16 brake?

17 A. I'm not aware.

18 Q. You testified earlier -- well,
19 strike that.

20 Have you ever opened a manual
21 brake yourself?

22 A. On Dali?

23 Q. Yes.

24 A. No.

25 Q. Is the job of operating -- and by

1 "operating," I mean letting go an anchor. Is
2 that typically assigned to the bosun?

3 A. Yes.

4 Q. Would you agree that the bosun
5 would be more familiar with how to open a
6 manual brake on the Dali than you would, for
7 example?

8 A. Yes.

9 Q. Do you know prior to March 26,
10 2024, whether anybody had ever asked the
11 bosun how many men it took to open the manual
12 brake?

13 A. I'm not aware of it.

14 Q. You heard when Mr. Walker played
15 the audio transcript for -- excuse me, the
16 audio recording for you earlier that there
17 was a mention by Captain Sabhapathy that "You
18 should have told me something earlier."

19 Do you remember that?

20 A. Yes.

21 Q. Do you know what
22 Captain Sabhapathy was referring to?

23 A. No.

24 Q. Did you ever hear the bosun report
25 on the radio that he could not open the

1 manual brake by himself?

2 A. While -- after the first blackout?

3 Q. At any time on March 26, 2024, did
4 you hear the bosun say that "I cannot open
5 the manual brake by myself"?

6 A. He said something in the video
7 recording, "I cannot," and then the other
8 statements I could not hear; though, he said
9 something.

10 Q. Okay. So you don't know what he
11 was referring to when he said, "I cannot"?

12 A. Yes, sir.

13 Q. Okay. Do you know whether
14 Captain Sabhapathy was able to hear that?

15 A. He can answer it better. I don't
16 know.

17 Q. Understood. And that's fair. Did
18 Captain Sabhapathy ever tell you what he
19 heard the bosun say that day on the radio?

20 A. No.

21 Q. So what we know is that on
22 March 26th, the steering was ineffective, the
23 bow thruster was ineffective, and the anchor
24 could not be deployed in time to avoid the
25 bridge, correct?

1 MR. BENNETT: Just note my
2 objection.

3 A. Yes.

4 BY MR. REISMAN:

5 Q. And what you've seen today is that
6 Synergy shoreside management was aware before
7 that accident that the steering gear had not
8 been overhauled, correct?

9 MR. BENNETT: Just note my
10 objection. That's not what that
11 document says.

12 MR. REISMAN: Okay.

13 MR. BENNETT: You're
14 misconstruing the testimony. It's not
15 what the document says.

16 MR. REISMAN: You made the
17 objection.

18 MR. BENNETT: You're being
19 abusive again.

20 MR. REISMAN: You made the
21 objection, Bill.

22 BY MR. REISMAN:

23 Q. You saw the e-mail. Do you agree
24 that Synergy shoreside managers were aware
25 that the steering gear had not been

1 overhauled?

2 A. I don't know.

3 Q. You don't know. Okay.

4 Does Mr. Nair, in your experience,
5 have a reputation for being an honest person?

6 A. He was onboard when I joined Dali,
7 and he was -- he was -- I had no issue with
8 him. He spoke with me politely, so I have no
9 problem.

10 Q. So Mr. Nair boarded the Dali in
11 August of 2023, correct?

12 A. Yeah.

13 Q. And you were onboard that same
14 time?

15 A. Yes.

16 Q. And Mr. Nair was onboard to
17 perform a vessel inspection?

18 A. Yes, sir.

19 Q. Do you remember roughly how many
20 days Mr. Nair was onboard the ship?

21 A. He joined in Hong Kong, and he was
22 there -- he did not sail to South Korea,
23 Busan. He got done from ship in somewhere in
24 Chinese port, so I cannot tell you how many
25 days he was onboard, but --

1 Q. Do you know what his purpose of
2 being onboard the ship was?

3 A. He's carrying out his routine
4 audit, which has to be carried out once a
5 year, so he was -- to carry out that audit,
6 he was onboard.

7 Q. And is it your understanding he
8 performs an inspection of the ship's
9 machinery and equipment while he's onboard?

10 A. Not only machinery and equipment.
11 Even my paperwork, my job.

12 Q. So his inspection is not limited
13 to the technical aspect of the ship. It's
14 technical and the marine aspects?

15 A. Yes, sir.

16 Q. And, in fact, his purpose is to
17 see if there are any problems, any defects,
18 or any deficiencies on the ship?

19 A. Yes.

20 Q. Have you ever been on the bridge
21 before when the anchor on the Dali -- either
22 anchor on the Dali was deployed using the
23 hydraulic brake?

24 A. Have you been on bridge?

25 Q. Have you? Have you ever been on

1 the Dali's bridge when either of the anchors
2 were let go using the hydraulic brake?

3 A. Yes.

4 Q. Do you remember how long it took
5 to let go those anchors using the hydraulic
6 brake?

7 A. No.

8 MR. REISMAN: Did you get his
9 response?

10 Okay.

11 BY MR. REISMAN:

12 Q. Just a little bit louder. That
13 was very quiet, so I just wanted to make sure
14 she could hear you.

15 A. Yeah, no problem.

16 Q. Just looking through my notes. I
17 may just have a couple more.

18 Do you recall at any time after
19 the first blackout on March 26th the ship's
20 whistle being sounded?

21 A. The ship's whistle was not
22 sounded.

23 Q. And I asked about the whistle.
24 There are some other horns. There's a
25 foghorn, for example.

1 Were any horns sounded between the
2 first blackout and the time when the ship hit
3 the bridge?

4 A. No.

5 Q. Mr. Walker asked you earlier about
6 an issue with Diesel Generator Number 1
7 before departure, and he talked about some
8 start failures.

9 Were you aware that DG1 could not
10 be started on March 26th before the ship left
11 the berth?

12 MR. DUFFY: Objection. Asked
13 and answered.

14 BY MR. REISMAN:

15 Q. You can answer.

16 A. No, I was not aware.

17 Q. You heard on the audio transcript
18 that Mr. Walker played for you
19 Captain Sabhapathy repeatedly instructing the
20 bosun and then others to get forward and let
21 go the port anchor, correct?

22 A. Yes, sir.

23 Q. Do you know why there was such a
24 delay in letting that anchor go?

25 A. No.

1 MR. REISMAN: That's all I've
2 got for you, sir. Thank you very
3 much. Some of these other lawyers may
4 have some questions.

5 THE WITNESS: Thank you so much.

6 MR. REISMAN: Thank you.

7 MR. LOCHNER: My turn.

8 EXAMINATION

9 BY MR. LOCHNER:

10 Q. Good afternoon. I'm Todd Lochner
11 on behalf of the private economic loss -- oh.

12 Good afternoon. My name is Todd
13 Lochner. I'm on behalf of the private
14 economic loss group. I'm just going to ask a
15 couple of quick questions, if I may.

16 A. Good afternoon, sir.

17 Q. At the actual time of the
18 allision, where were you standing on the
19 bridge?

20 A. Right next to helmsman.

21 Q. To starboard of the helmsman or
22 port?

23 A. I cannot recall. I was moving
24 around the bridge.

25 Q. At the time of the allision, where

1 were you looking?

2 A. I was attending to equipment as
3 instructed to me by the pilot. On the other
4 hand, I was just looking my bow -- bow of my
5 ship.

6 Q. So at the time of contact, did you
7 have the bow of the ship in your field of
8 view?

9 A. Yes.

10 Q. Do you recall the bow of the ship
11 striking the deck of the bridge?

12 A. Deck of the bridge?

13 Q. Yes. I'm trying -- let me
14 rephrase it.

15 Precisely what part of the bow
16 struck at precisely what part?

17 A. Just two or three seconds before
18 the vessel actually allided -- collided with
19 the bridge, the vessel had started getting
20 the port momentum. Which part of the bow,
21 which frame number, I don't know. Somewhere
22 in bow.

23 Q. Do you happen to know the height
24 of the containers in the forward section of
25 the Dali?

1 A. No.

2 Q. Did you happen to witness any of
3 the containers striking the deck of the
4 bridge before its collapse?

5 A. No.

6 Q. You said in your testimony that
7 you could see how many generators were
8 providing output from the bridge based upon
9 looking at a panel.

10 Do you recall that testimony?

11 A. Yes, sir.

12 Q. And was that the ACONIS panel, or
13 what was the exact panel name?

14 A. ACONIS panel.

15 Q. It was?

16 A. Yes, sir.

17 Q. And on the ACONIS panel, could you
18 tell not only the number of generators, but
19 specifically which generators were providing
20 output?

21 A. Yes.

22 Q. Do you happen to recall their
23 arrangement on the panel as far as Generator
24 1, 2, 3, 4, et cetera?

25 A. No.

1 Q. Do you have an independent
2 recollection, as you sit here, which
3 generators on that panel were providing power
4 just before the blackout?

5 A. No, sir.

6 Q. You previously testified about
7 Exhibit Number 38, which we can pull up
8 again.

9 Was it your testimony that you had
10 never seen the bulletin which is covered by
11 the e-mail at Exhibit 38?

12 A. I have never seen.

13 Q. You had an opportunity to read it
14 earlier, correct?

15 A. Today, yes.

16 Q. Today, correct?

17 A. Yes.

18 Q. Did you ever discuss the substance
19 of the technical bulletin with anyone onboard
20 even though you had not read it yourself?

21 A. No.

22 MR. LOCHNER: That's all I have.

23 THE WITNESS: Thank you so much.

24 MR. LOCHNER: Thank you.

25 MR. DUFFY: Do you want to go

1 off the record --

2 MS. AGUINIGA: No questions for
3 the City of Baltimore. Thank you.

4 EXAMINATION

5 BY MR. MAHONEY:

6 Q. Hey, Mr. Bisht. My name is Kevin
7 Mahoney, and I represent -- I'm here on
8 behalf of the families of the six men who
9 died on the Key Bridge and the two men who
10 were injured.

11 A. Good afternoon.

12 Q. You mentioned in response to
13 questioning from Mr. Lochner a moment ago
14 that about two to three seconds before the
15 vessel struck the bridge, you started to gain
16 momentum to the port side of the vessel.

17 Do you remember that?

18 A. Yes.

19 Q. And is that because, to your
20 understanding, the anchor had been -- the
21 port side anchor had been released?

22 A. I don't know what worked. I don't
23 know what got the vessel to turn to port
24 side.

25 Q. How did you know that the vessel

1 was gaining momentum toward the port side?

2 A. I was keeping an eye on the bow of
3 my ship. When I say "bow," on the mast
4 highlight of the ship, and it was in line
5 with one of the pillars of the bridge. So
6 two, three seconds before it had started get
7 the port side momentum.

8 Q. Meaning the vessel started moving
9 towards the port side?

10 A. Yes.

11 Q. About how quickly would you say?

12 A. Two, three seconds before the
13 collision.

14 Q. And how far were you from the
15 bridge at that point approximately, from the
16 portion of the bridge that the vessel struck?

17 A. Very close. How should I...

18 Q. Your best approximation.

19 A. I don't know. I mean, I was not
20 forward. I was on the bridge.

21 Q. And what is your explanation, if
22 it wasn't the anchor, for why the vessel
23 started moving towards the port side?

24 A. I have no idea, sir.

25 Q. Do you have any idea?

1 A. No.

2 Q. Did you talk with anyone about
3 that?

4 A. No.

5 Q. Now, earlier you were talking
6 about how at a certain point on March 26th
7 you were on the main deck of the vessel?

8 A. No. 26th, I was on bridge.

9 Q. At all relevant times on
10 March 26th, you were on the bridge?

11 A. Yes, sir.

12 Q. Okay. And from the time of the
13 first power loss on March 26th to the time of
14 the allision, could you see the Key Bridge
15 from your point in the bridge of the Dali?

16 A. When we made a sharp turn to align
17 ourself with the Fort McHenry Channel, yes,
18 we could see visually Francis Scott Key
19 Bridge.

20 Q. And when you took that turn, that
21 would be before the first power loss; is that
22 right?

23 A. Yes, sir.

24 Q. Okay. So from the time of the
25 first power loss on the Dali until you hit

1 the bridge, you -- Mr. Bisht, you could see
2 the bridge -- the Key Bridge with your naked
3 eye; is that right?

4 A. Yes.

5 Q. And in the course of -- it was
6 about four minutes between the time of the
7 first power loss and the time that the Dali
8 struck the bridge; is that right, the Key
9 Bridge?

10 A. Roughly four minutes.

11 Q. And in those four minutes, could
12 you see traffic on the bridge?

13 A. I could not see any traffic.

14 Q. Could you see lights on the
15 bridge?

16 A. Lights? Not from the car, but the
17 bridge had three vertical green lights right
18 in the center of the bridge, so, yes.

19 Q. And I want to talk about the NTSB
20 interview that you gave that was asked about
21 over the course of the day.

22 Do you have that transcript of
23 that in front of you in case I need to ask
24 you about it? Can your counsel provide it to
25 you?

1 MR. MAHONEY: Thanks.

2 MR. BENNETT: Continued

3 objection to the use of the NTSB
4 investigative materials.

5 A. I have it. Which page number?

6 BY MR. MAHONEY:

7 Q. Just hold onto it for now. I'll
8 let you know if I need to go a specific page.

9 Now, sir, you gave this interview
10 with the NTSB on March 27th; is that right?

11 A. I'm not sure about the date, but,
12 yes.

13 Q. Are you looking at what we have
14 provisionally marked as Exhibit 52 in front
15 of you, the NTSB interview?

16 MR. DUFFY: I don't know what
17 you want, but it's a copy NTSB
18 interview, and it says it was done on
19 Wednesday, March 27th.

20 MR. MAHONEY: Thanks. I'm not
21 asking you.

22 BY MR. MAHONEY:

23 Q. Is your name on the first page of
24 that transcript, sir?

25 A. Yes.

1 Q. Okay. And what's the date of the
2 interview?

3 A. 27 March 2024.

4 Q. That's the day after the allision?

5 A. Yes.

6 Q. And you gave truthful, accurate,
7 and honest testimony --

8 A. Yes.

9 Q. -- on that day?

10 A. Yes.

11 Q. Where were you when you did this
12 interview? You were on the vessel?

13 A. Yes, I was on vessel.

14 Q. Okay. Where?

15 A. What are you asking? Like, where
16 was this interview conducted?

17 Q. Yes.

18 A. Which part of the ship?

19 Q. Yeah.

20 A. It was scattered out in crew mess
21 room.

22 Q. Okay. In the mess room?

23 A. Yeah.

24 Q. And there were a decent amount of
25 people in the mess room with you?

1 A. Only related to investigation,
2 yes.

3 Q. Okay. And your counsel was with
4 you?

5 A. You mean my lawyer?

6 Q. Your lawyer at the time.

7 A. Yes.

8 Q. Mr. Sims?

9 A. Yes.

10 Q. And you knew, sir, that when you
11 gave that interview it wasn't under any
12 promises of confidentiality? Didn't you know
13 that?

14 A. I'm not aware of anything.

15 Q. Didn't they tell you that at the
16 outset of the interview, sir?

17 A. I cannot recall.

18 Q. Do you want to go to Page 4 of the
19 interview?

20 A. Yes, sir.

21 Q. Do you remember talking to Bart
22 Barnum with the NTSB? He opened up the
23 interview.

24 A. Yes, sir.

25 Q. And if you go to Page 4, Line 12.

1 A. Yes, sir.

2 Q. And I'm going read along Line 11.

3 It says: The NTSB cannot offer a guarantee
4 of confidentiality or immunity from legal or
5 licensed action.

6 Did I read that right?

7 A. Yes, sir.

8 Q. Okay. And it also says: Like we
9 discussed, a transcript of the summary of
10 this interview or a summary of this interview
11 will be put into our public docket.

12 A. Yes, sir.

13 Q. And so you understood from
14 Mr. Barnum at that point that this interview
15 was being given under -- without a promise
16 from them that it would remain confidential.
17 Agree?

18 A. Yes.

19 Q. No one told you that day in the
20 mess room, "Hey, this is confidential. It
21 won't be released eventually," did they?

22 A. I don't remember.

23 Q. You don't recall that?

24 A. I cannot recall.

25 Q. Okay. And you certainly don't

1 have anything in writing saying, "The
2 information you give in this interview on
3 March 27th will be confidential and not
4 publicly released."

5 Agree?

6 A. Nothing in writing I get.

7 Q. Now, earlier, a few minutes ago,
8 Mr. Reisman asked you, "Did anyone sound the
9 ship's horn before the allision?"

10 Right?

11 A. Yes.

12 Q. And you testified that nobody did
13 that, right?

14 A. Yes.

15 Q. And you said the same thing to the
16 NTSB, right?

17 A. Yes.

18 Q. And just so I'm getting my
19 nomenclature right, is that the correct term,
20 as you know it? The ship's horn, would that
21 be the foghorn?

22 A. Foghorn or ship's horn. It's the
23 same thing.

24 Q. Okay. And is that what you use if
25 you're about to hit something and you want to

1 warn somebody to watch out --

2 A. Yes.

3 MR. BENNETT: Just note my
4 objection.

5 MR. MAHONEY: All right. Let me
6 finish.

7 MR. BENNETT: Excuse me.

8 MR. MAHONEY: Let me finish my
9 question.

10 MR. BENNETT: I thought you were
11 done.

12 MR. MAHONEY: Okay. I wasn't.

13 BY MR. MAHONEY:

14 Q. Is that what you would use if you
15 wanted to alert somebody that you were about
16 to hit them or hit something? You would use
17 the foghorn?

18 MR. BENNETT: Just note my
19 objection.

20 A. To alert someone, yes.

21 BY MR. MAHONEY:

22 Q. And is there any other device
23 onboard besides the foghorn that a crew
24 member would use for that purpose?

25 A. No.

1 Q. All right. So when I say
2 "foghorn" -- withdrawn.

3 So no one ever sounded the foghorn
4 before the Dali hit the Key Bridge on
5 March 26th, right?

6 A. No one.

7 Q. And somebody should have. Agree?

8 MR. BENNETT: Just note my
9 objection.

10 A. I don't know.

11 BY MR. MAHONEY:

12 Q. You don't know?

13 A. I don't know.

14 Q. Okay. You told the NTSB that
15 somebody should have; is that right?

16 A. I cannot recall. I will have to
17 look.

18 Q. Well, let me ask you this: Is
19 there a power loss checklist on the Dali?
20 Did the Dali crew members have a power loss
21 checklist?

22 A. Yes.

23 Q. And, physically, where was that
24 checklist located?

25 A. In one of the hard files behind

1 the cabinets.

2 Q. On the bridge?

3 A. On the bridge.

4 Q. And whose responsibility during a
5 departure -- I'm sorry. Withdrawn.

6 Whose responsibility during a loss
7 of power would it be to pull the power loss
8 checklist and start running through the
9 procedures?

10 A. Anyone can pull it out.

11 Q. Who on the -- at the time you left
12 the berth in Baltimore on March 26th, whose
13 responsibility was that?

14 A. It was captain bridge for ready
15 reference. So anybody -- all the officers
16 knew about the checklist. So anyone can
17 reach out to take the checklist and bring
18 it -- open it up.

19 Q. Whose, if anybody's, role was it
20 in the event of a power loss to go to the
21 cabinet and pull the power loss checklist?

22 A. It can be me. It can be captains.

23 Q. Is it fair to say, sir, that there
24 was no designated crew member who was
25 principally responsible for pulling the power

1 loss checklist from the file cabinet in the
2 bridge of the Dali on March 26th?

3 MR. BENNETT: Just note my
4 objection.

5 A. Yes.

6 BY MR. MAHONEY:

7 Q. That's correct?

8 A. Yes, that's correct.

9 Q. Did anybody when the Dali lost
10 power on March 26th pull that checklist?

11 A. No.

12 Q. And on that checklist, do you know
13 what step number 8 is?

14 A. I cannot recall.

15 Q. Do you know if sounding the
16 foghorn is listed on the power loss checklist
17 in the -- in the Dali's file
18 cabinet -- withdrawn.

19 Is sounding the foghorn on that
20 power loss checklist?

21 A. I would have to look into it. I
22 cannot recall.

23 Q. Okay. You don't know?

24 A. No.

25 Q. Did you know on March 26th?

300

1 A. No.

2 Q. You didn't?

3 A. No.

4 Q. Did anybody know on the bridge of
5 the Dali on March 26th what you do when
6 there's a power loss, according to the
7 checklist?

8 A. I don't know.

9 Q. Were you trained to execute the
10 power loss checklist prior to the date of the
11 allision?

12 A. We used to have training sessions,
13 tabletop discussions about what is to be done
14 and where can you find checklist to follow in
15 case of electrical power.

16 Q. And that's how you know it was in
17 the file cabinet in the bridge of the Dali?

18 A. Yes.

19 Q. Okay. But did you do training on
20 execution of the steps in that checklist?

21 A. I cannot recall.

22 Q. Today, sitting here, you can't
23 recall doing a loss of power checklist for
24 the Dali?

25 A. Yes.

1 Q. But "yes," that's correct?

2 A. Yes.

3 Q. And when you do those drills or
4 training, is a record kept of them?

5 A. Yes.

6 Q. And so we would be able to find
7 out when you particularly and other members
8 of the Dali who were on the bridge that night
9 went through this training. Agreed?

10 A. Yes.

11 Q. All right, sir. Can you turn to
12 Page 79 of the NTSB transcript that has been
13 tentatively identified or marked as
14 Exhibit 52.

15 A. Yes.

16 Q. Do you want take a moment and read
17 the transcript before I ask you questions
18 about it? I mean the page?

19 A. Page 79?

20 Q. Yes.

21 Let me know when you're ready.

22 A. I've read it.

23 Q. Okay. The person asking you
24 questions that day, said the following,
25 quote -- and this is Line 9, Page 79: So at

1 no point, the four minutes when you realized
2 you guys were going to strike the bridge, did
3 you ever sound the horn to let anybody around
4 know that there was -- had been a collision.

5 Did I read that right?

6 A. Yes, sir.

7 Q. And you said repeatedly over the
8 course of him asking that question, "no."
9 Agree?

10 A. Yeah.

11 Q. You said: Negative.
12 Right?

13 A. Yes.

14 Q. You said: No?

15 A. Yes.

16 Q. You said: No?

17 A. Yes.

18 Q. You said: No, sir?

19 A. Correct.

20 Q. And you said: No?

21 A. Correct.

22 Q. And he then asked: Is that
23 something that you guys are supposed to do
24 before you strike something.

25 Did I read that right?

1 A. Yes.

2 Q. What did you say?

3 A. "Yes."

4 Q. Yes. You guys are supposed to

5 do -- are supposed to sound the foghorn

6 before you strike something?

7 A. Yes.

8 Q. Is that what you meant?

9 A. Yes.

10 Q. All right. Do you want to correct

11 your testimony earlier a few minutes ago when

12 you said you don't know whether you're

13 supposed to sound the foghorn before you

14 strike something?

15 A. We have to sound the fog -- the

16 air horn of the ship to -- like, to gain

17 attention of someone if -- how to put it --

18 to gain attention of someone, yes, we have to

19 blow the foghorn or air whistle.

20 Q. Right. And so the foghorn should

21 have been blown before the Dali hit the Key

22 Bridge? Do you agree --

23 MR. BENNETT: Just note my

24 objection.

25

1 BY MR. MAHONEY:

2 Q. -- on March 26th --

3 THE STENOGRAPHER: One at a
4 time.

5 (Reporter clarification.)

6 A. Yes.

7 BY MR. MAHONEY:

8 Q. And it wasn't?

9 A. It wasn't.

10 Q. And the responsibility in the
11 bridge, ultimately, for sounding the horn
12 would be the masters. Agree?

13 A. Anybody can sound an air horn who
14 is present.

15 Q. Who is ultimately responsible for
16 the conduct of the crew members on the bridge
17 in the vessel?

18 A. Master.

19 Q. He is the top of the chain of
20 command?

21 A. Yes.

22 Q. He's the captain of the ship?

23 A. Yes.

24 Q. And so the failure of a crew
25 member not to sound the foghorn in the bridge

1 on the Dali is ultimately the responsibility
2 of the master. Agree?

3 A. Anybody can sound a fire -- a fog
4 signal, the air horn of the ship.

5 Q. And if the master had told you Mr.
6 Bisht or Bisht -- he called you "Bisht"?

7 A. "Rohit."

8 Q. Rohit?

9 A. Yeah.

10 Q. If he had said, "Rohit, sound the
11 foghorn," you would have done that. Agree?

12 A. Yes.

13 Q. Immediately?

14 A. Immediately.

15 Q. You would have said, "Yes, sir"?

16 A. Yes.

17 Q. Where in the bridge -- withdrawn.

18 How is the foghorn operated?

19 A. So we have a push button placed on
20 various locations of the bridge. We even
21 have a manual lever just above the helmsman
22 from where he actually turns the wheel to
23 port and starboard. So it can be pulled
24 down. And also we have a push button at
25 various locations of the bridge.

1 Q. And do they sound the exact same
2 horn, the exact same device?

3 A. So the lever which is just above
4 the helmsman, it will -- I mean, if you press
5 the push button, the sound would come from
6 the forward mast of the vessel. And if you
7 pull down the lever, the sound would come
8 from the aft mast of the vessel, which is
9 right above the -- where all the antennas
10 are, right above the bridge of the ship.

11 Q. Okay. And if you're pulling -- do
12 you know what that's called?

13 A. A lever.

14 Q. Okay. Pulling the lever and
15 you're holding it, you can continuously sound
16 the foghorn?

17 A. We have hold it up, so that it's
18 continuous sounding.

19 Q. So if you let go, it stops
20 sounding?

21 A. Yes, yes.

22 Q. And it's loud, right?

23 A. It's loud.

24 Q. It's very loud?

25 A. Yes.

1 Q. And you were standing next to the
2 helmsman?

3 A. Yes.

4 Q. How far was the lever from your
5 arm?

6 A. Not far. I mean, it was very
7 close to me.

8 Q. And that whole time when you're --
9 you're standing under the lever?

10 A. I was running around on the bridge
11 to silence the alarms. There were a lot of
12 buzzers which came up when the blackout
13 happened.

14 Q. Uh-huh.

15 A. And, again, when second blackout
16 happened, I, again, had the alarms all over
17 the bridge. So I was attending to alarms. I
18 was running around the bridge.

19 Q. It was a chaotic scene on the
20 bridge that night?

21 A. Yes.

22 Q. It was loud?

23 A. Very loud.

24 Q. A lot going on?

25 A. Yes.

1 Q. Isn't that why you have
2 checklists?

3 A. Sorry?

4 Q. Isn't that why you use checklists?

5 A. Actually, we only had four minutes
6 from the first blackout to we actually
7 collided, and it was nighttime. So going
8 back to the cabinet and pulling out checklist
9 and referring to all -- every point, it did
10 not come to my mind.

11 Q. Did you ever memorize the power
12 loss checklist?

13 A. No.

14 Q. Even though the vessel lost power
15 less than ten hours before you departed
16 Baltimore?

17 A. I did not memorize.

18 Q. Before you left Baltimore the
19 vessel had lost power on the 25th, right?

20 A. Yes.

21 Q. Did you or any other crew member
22 on the bridge that night alter their normal
23 procedures as a result of that power outage
24 on the 25th?

25 A. Say that again.

1 Q. Did you or any other member of the
2 Dali in the bridge that night alter your
3 normal procedures as a result of the power
4 loss on the 25th of March?

5 A. I cannot get your question.

6 Q. Okay. There was a power loss on
7 the Dali on March 25th, right?

8 A. Yes.

9 Q. And on the 26th, you left
10 Baltimore, right?

11 A. Yes.

12 Q. And you've -- this wasn't the
13 first time you've left Baltimore, right?

14 A. It was my third time.

15 Q. This was your third time.

16 Did you do anything differently
17 this time because of the March 25th power
18 loss that you didn't do that first two times
19 you left Baltimore?

20 A. No.

21 Q. You did the exact same thing you
22 did, roughly, those two prior times?

23 A. Yes.

24 Q. And did you have any conversations
25 with the master before leaving the berth in

1 Baltimore on March 26th about the impact, if
2 any, of the March 25th power loss on
3 navigating the channel under the Key Bridge?

4 A. No.

5 Q. Not one conversation with the
6 master?

7 A. No.

8 Q. Did you have any conversations
9 with the master before leaving berth on
10 March 25th about changes to your normal
11 departure procedures due to the fact that you
12 didn't have an operating hydraulic brake on
13 the port anchor?

14 A. No.

15 MR. WALKER: You said the 25th.

16 MR. MAHONEY: I'm going to
17 change it.

18 BY MR. MAHONEY:

19 Q. Sorry. Did you have any
20 conversations with the master before leaving
21 berth on March 26th about changes to your
22 normal departure procedures due to the fact
23 that you didn't have an operating hydraulic
24 brake on the port anchor?

25 A. No.

1 Q. No, you didn't?

2 A. No, I didn't.

3 Q. Now, there was some talk of the
4 hydraulic brake and there's a control station
5 to operate that brake. Is that right?

6 A. Yes.

7 Q. And that's a push
8 button -- withdrawn.

9 That's a button that operates the
10 hydraulic brake, right?

11 A. Uh-huh.

12 Q. And that control station is on the
13 bow of the vessel?

14 A. Yes.

15 Q. Can you operate the hydraulic
16 brake when it's functioning from anywhere
17 else other than that part of vessel?

18 A. No.

19 Q. There's nowhere on the bridge you
20 could operate the hydraulic brake?

21 A. No, no, no.

22 Q. After a power loss, you're
23 supposed to save the voice and data recorder
24 on the vessel; is that right?

25 A. Yes.

1 Q. Did you do that on the 25th?

2 A. 25th?

3 Q. Yeah.

4 A. No.

5 Q. Why not?

6 A. I was on main deck. Chief officer
7 was on bridge, and he also knows how to
8 operate the VDR.

9 Q. All right. Did he?

10 A. I don't know.

11 Q. Do you know if anyone did?

12 A. I don't know.

13 Q. Did you run -- on the 25th, did
14 you run the power loss checklist?

15 A. No, I did not.

16 Q. Do you know if anybody did?

17 A. I don't know. I don't know if
18 anybody did.

19 MR. MAHONEY: Thank you, sir.

20 THE WITNESS: Thank you so much.

21 MR. BENNETT: Yeah, just give us
22 five minutes.

23 THE VIDEOGRAPHER: Going off the
24 record at 4:52 p.m.

25 (A brief recess was held from

1 4:52 p.m. to 4:55 p.m.)

2 THE VIDEOGRAPHER: We are going
3 back on the record at 4:55 p.m.

4 MR. BENNETT: Petitioners have
5 no questions. Deposition has been
6 closed.

7 THE VIDEOGRAPHER: We are going
8 off the record at 4:55 p.m.

9 (Thereupon, the proceedings
10 concluded at 4:55 p.m.)

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CERTIFICATE OF REPORTER

UNITED STATES DISTRICT COURT)
NORTHERN DISTRICT OF MARYLAND)

I, ERICA FIELD, RDR, CRR, certify that I
was authorized to and did stenographically
report the deposition of ROHIT SINGH BISHT,
pages 1 through 313; that a review of the
transcript was not requested; and that the
transcript is a true and complete record of
my stenographic notes.

I further certify that I am not a
relative, employee, attorney, or counsel of
any of the parties, nor am I a relative or
employee of any of the parties' attorney or
counsel connected with the action, nor am I
financially interested in the action.

DATED this 19th day of March, 2025.


Erica Field, RDR, CRR

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